(श्री मति कमला सिन्हा)

सुपुत्र . . (व्यवधान) . . श्री शिवसिंह तथा उनकी मां शान्ति व बहनों ने कमलेश नाम की 17 साल की एक लड़की को दहेज के लिए गला दबाकर मार दिया अभी-अभी उसकी शादी हुई थी एक साल पहले । महोदया, सबसे ज्यादा दुर्भाग्य की बात यह है कि हमारे यहां दहेज विरोधी कानून है, एण्टी डाउरी एक्ट है लेकिन वह लागू नहीं होता है । कानून के बाद भी ये मामले बढते ही जा रहे हैं । महोदया, मैं आपके माध्यम से सरकार से कहना चाहती हूं कि सरकार इसमें बहुत सख्ती से पेश आये और इसके परिवार के जो दोषी लोग हैं उसके पति, उसकी सास और उसके परिवार की ननदें जिन लोगों ने मिलकर गला दबाकर उसको मारा है, पोस्ट मार्टम की रिपोर्ट में भी यह आया है कि गला दबाकर मारा है, इसका कग्नीजेंस लें और इनको इसमें सजा दें ।

श्रीमती सुषमा स्वराज (हरियाणा) : महोदया, जो मसला कमला जी ने उठाया है इससे केवल मैं एसोसियेट ही नहीं करना चाहती हूं बल्कि थोड़ा सा यह कहना चाहूंगी क्योंकि यह मसला हरियाणा से संबंधित है, कि एक तरफ तो हरियाणा के मुख्य मंत्री श्री भजन लाल जी यह आश्वासन देते हैं कि वहां की बहू बेटियां सुरक्षित रहेंगी रात के 12 बजे भी चल सकेंगी, लेकिन दूसरी तरफ इतने मसले पिछले एक महीने में हो गये हैं । इनमें से 2-3 मसलों का उल्लेख तो स्वयं मैंने विशेष उल्लेख के जरिये कुछ दिन पहले किया है । लेकिन यह मसला बिल्कुल डाउरी डेथ का है, दहेज हत्या का है । स्कूटर न मिलने के कारण किसी महिला को गला दबाकर मार दें, इस तरह की हत्याएं हरियाणा में हो रही हैं । इस पर मैं कमला जी के स्वर से स्वर मिलाते हुए कहना चाहूंगी कि जिन हत्यारों ने जिन लोगियों ने इस कन्या की हत्या की है उनको तुरंत पकड़ा जाए, पुलिस हरकत में आए और इनको सख्त से सख्त सजा दिलवायी जाए ताकि इस तरह की दहेज हत्याएं दुबारा हरियाणा प्रदेश में या बाकी जगहों पर न हो सकें ।

THE DEPUTY CHAIRMAN: Let us finish the Government business. We have taken forty-five minutes for

**STATUTORY RESOLUTION SEEK. 1NG DISAPPROVAL OF THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ORDINANCE, 1991**

**AND**

**THE MONOPOLD3S AND RESTRICTIVE TRADE PRACTICE (AMENDMENT) BILL, 1991**

SHRI CHATURANAN MISHRA (Bihar): Madam Deputy Chairman, I beg to move the following Resolution:

"That this House disapproves of the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991 (No. 8 of 1991) promulgated by the President on the 27th September, 1991."

श्री राम अवधेश सिंह (बिहार) : महोदया आपने कहा था कि हम एक दो मिनट देंगे । बहुत जरूरी बात है . . (व्यवधान) . .

उपसभापति : अभी आप बैठ जाइये । सरकारी काम करने दीजिए । आपकी सब बातें बहुत जरूरी होती हैं कृपया बैठ जाइये । आप जो भी इस हाउस में बोलते हैं, बहुत महत्वपूर्ण होती है पर कृपया अभी न बोलें ।

श्री राम अवधेश सिंह : आप मुझको बोलने दीजिए . . मुझको बता दीजिए कब मुझे देंगी . . मुझको (व्यवधान) . . .

उपसभापति : चतुरानन जी आप बोलिए ।

श्री राम अवधेश सिंह : बार-बार जब मैं खड़ा होता हूं, पेशंस से, धीरज से मैं खड़ा रहता हूं . . (व्यवधान) . . . कब मिलेगा । यह मोशन इन्होंने पेश करवा दिया है ।

(व्यवधान)

श्री चतुरानन मिश्र : उपसभापति महोदया, मैं सिफारिश करता हूं कि इस बिल को यह

सदन नामंजूर कर दे क्योंकि यह अगर पास हो जाता है तो मोनोपोली नाम की तो कोई बात ही नहीं रहती है। तब शीर्षक में एकाधिकार शब्द भी हटा देना चाहिए। रेस्ट्रिक्टिव ट्रेड प्रेक्टिसेज एक्ट कोई बने तो अलग बात है। लेकिन इसका कोई मतलब नहीं रहता है। इस बिल से सरकार मोर लायल देन द किंग लगती है। अभी हमने जितने पूंजीपतियों का मेमोरेंडम पढ़ा था उसमें था कि इसकी सीमा एक हजार करोड़ तक कर दी जाए। लेकिन सरकार ने कहा कि एक हजार क्या एक लाख करोड़ भी करना चाहो तो इस देश में तुमको कोई रुकावट नहीं है। इसीलिए यह बिल इस देश में पूंजीवाद का मैनीफैस्ट है। इसलिए मैंने कहा कि इस आर्डिनेंस को नामंजूर कर देना चाहिए।

मैं आर्थिक मामलों में सेंटीमेंटल नहीं होना चाहता। लेकिन एक बात सेंटीमेंट की है जब पास किया गया यह कानून, उस वक्त कम्यूनिस्ट लोग हमारा मतलब सी०पी०आई० से हैं वे लोग कांग्रेस पार्टी या इंदिराजी के साथ थे और इंदिरा जी को तो उनके जो सैक्यूरिटी थे उन्होंने उनकी हत्या कर दी, अब उनकी पार्टी वाले उनके कृत्यों की हत्या करना चाहते हैं। यह जरुर दुख होता है, चूंकि मैं भी उस वक्त में आपकी मदद में था, वह वक्त ऐसा था। वह वक्त ऐसा नहीं था कि जो आजकल हो गया है। आजकल तो नेशनल इंटेग्रेशन कौंसिल में भी सी०पी०आई०के लोगों को स्टैंडिंग कमेटी से हटा दिया जाता है। इसलिए यह सरकार की नई नीति है उसके बारे में मुझे कुछ कहना नहीं है। लेकिन यह बात उठ रही है कि इस बिल के आने के बाद या फिर यह बिल आएगा कि क्या प्रिवी पर्स भी वापस कर दिया जाए, क्योंकि उससे कैपिटल फार्मेशन होगा? क्या सरकार वह भी करने वाली है, क्योंकि हम उसमें उस वक्त में पार्टी थे? इसीलिए जानना चाहते हैं कि क्या प्रिवीपर्स भी आप वापस करेंगे?

SHRI DIPEN GHOSH (West Bengal) : He is expiating the sin of his father. MRTP Act was piloted by this father, late Mr. Mohan Kuma-ramanagalam and this nullification Bill, is being piloted by Mr. Ran-garajan Kumaramangalam, his son ..

(Interruption)... SHRI CHATURANAN MISHRA:

Then what to do?

SHRI DIPEN GHOSH: He is expiating the sin of his father.

SHRI CHATURANAN MISHRA: You are saying about personal relation—father and the son. I am saying something political. Political affiliation also one can change. What can I do? That is their freedom... (Interruption) ...

मैं आपसे जो कहना चाह रहा था कि इसके बाद मैं कांग्रेस पार्टी से कहूंगा कि आपका इमेज क्या बनता है इस देश में उसको जरा आइने में देख लीजिए। (व्यवधान)

आप सुन तो लीजिए, सुनने में तो कोई हर्ज नहीं है। . . (व्यवधान)

डा० रत्नाकर पांडेय : (उत्तर प्रदेश) : अंतर्राष्ट्रीय क्षेत्र में. . (व्यवधान) . . .

श्री चतुरानन मिश्र : नहीं-नहीं अपनी इमेज तो आप जोर-जोर से बोल करके नहीं रह कर सकेंगे आइने में देख लीजिए और उसका यही कायदा है और तब तब पता चलेगा देश के भीतर में अगर यह बिल पास होता है तो इसका मतलब हुआ कि अनरेस्ट्रिक्टेड मोनोपलीज होगा। अनियंत्रित एकाधिकार, अनियंत्रित रेट्रेचमेंट, अनियंत्रित मल्य-वृद्धि और देश के ज्यादा से ज्यादा हिस्से को केन्द्रीय सुरक्षा बल के अधीनस्थ करना। यही आपकी छवि उतर रही है। डे बाय डे एक नया-नया पोशंन जा रहा है केन्द्रीय सुरक्षा बल को अभी तो हमारे स्टेट मिनिस्टर बोले रहे हैं, हमको लग रहा है कि शायद पीपुल्ज वार वालों ने लां मिनिस्टर को कहीं रोक रखा है कल के आंध्र बंद में, इसीलिए वह नहीं आ सके। मैं यह कह रहा था कि यह देश में छवि जाएगी कि एक तरफ लोग भूखे मर रहे हैं और महंगाई से पीड़ित हैं और दूसरी तरफ आप पूंजीपतियों को अकूत धन जमा करने का अधिकार दे रहे हैं। वह मांगे थे एक हजार करोड़ तक की सीमा आप देते हैं लाख करोड़ तक। यह छवि अगर देश के अन्दर जाएगी तो इसका एकमात्र नतीजा निकलेगा कि लोग हथियार उठायेंगे। दूसरा रास्ता बचेगा नहीं। इसलिए मैं आपको चेतावनी दे देना चाहता हूं। देश के बाहर जो छवि बिगड रही है उसकी मैं चर्चा नहीं करना चाहता, वह तो दूसरा विषय होगा, इसलिए मैं उसकी चर्चा नहीं करता,

[श्री चतुरानन मिश्र]

इस बिल को कई हिस्सों में बांटा जा सकता है। जहां तक कुछ परिभाषा में आपने चेंज की है जैसे स्टाक्स एण्ड शेयर्स को भी गूडज में ले आए हैं यह अच्छी बात है। इसको कर सकते हैं कमीशन को कुछ कागजी दांत की बजाय प्लास्टिक के दांत आपने दिया है तो यह भी अच्छी बात है कि उसको कुछ दांत दे दिए लेकिन अगर उसको काटने के लिए चीज ही नहीं दीजिएगा तो दांत रख करके क्या करेगा? इसलिए वह दांत किस काम के लिए काम दे? जहां तक बड़े पूंजीपतियों को भी नया उद्योग-धंधा खोलने की बात है यानी हमारा मतलब है प्री-एंट्री कंडीशंस जो हैं अगर उसको ढीला करना चाहते हैं तो हम, उसके लिए आज की परिस्थिति में कम्युनिस्ट लोग भी बदले हैं उस पर विचार करने के लिए तैयार हो सकते हैं। लेकिन जो काम आप कर रहे हैं वह अनियंत्रित एकाधिकार को दे रहे हैं जिन पर हमको भरोसा नहीं है। अब हम आपको बता दें अगर यह आप प्री-एंट्री में भी कोई कंडीशंस नहीं लाना चाहते हैं, तो मैं जानना चाहूंगा कि उद्योगपति तो कोई पिछड़ा क्षेत्र में जा करके कल-कारखाना खोलेगा नहीं, क्योंकि वहां इन्फ्रास्ट्रक्चर नहीं है। यह तो सरकार करती थी कि जा करके पिछड़े क्षेत्रों में भी बनाती थी। वह नहीं करेंगे तो इसका अंजाम होगा कि बड़े-बड़े शहरों के इर्द-गिर्द भी, जहां इन्फ्रास्ट्रक्चर बहुत ज्यादा है . . . वहीं पर जाकर वह कल-कारखाने खोलेंगे और इन शहरों की भीड़ और भी ज्यादा बढ़ जाएगी।

अभी ही तो माननीय सदस्यों ने कहा कि उनको पीने के लिए पानी नहीं मिलता है, बाद में तो मंत्रियों को भी नहीं मिलेगा। यह आप इस बिल के जरिए कर रहे हैं।

दूसरा मैं यह कह रहा था कि पर्यावरण की भी जो आप रक्षा करना चाहेंगे, वह भी उससे नहीं हो सकेगी। इसीलिए प्री-एंट्री पीरियड में हम यह चाहेंगे कि इसके बारे में मंत्री बतायें कि उसका क्या समाधान है क्योंकि आप को कहीं अधिकार नहीं है कि किसी को कह सकें कि यहां कारखाना खोलो या नहीं। (समय की घन्टी)

अभी तो हमने शुरू ही किया है। अभी तो टाईम लगेगा। इसमें तो पार्टी का टाईम का सवाल नहीं है।

उपसभापति: पार्टी का टाईम तो है नहीं, आप तो डिसएप्रूवल पर बोल रहे हैं। मगर इतना ज्यादा डिसएप्रूव नहीं कीजिए कि पूरा दिन निकल जाए।

श्री चतुरानन मिश्र: इसमें तो आप उदार हैं ही बाकी को टाईम देने के लिए। . . . (व्यवधान)

उपसभापति: क्योंकि हम लोगों के पास बिजनेस ज्यादा है, तो आपसे निवेदन है कि आप कोआपरेट करें।

श्री चतुरानन मिश्र: अगर हम रिपीट करें या इरेलेवेंट हो जाएं, आप हमको प्वाइंट आउट कर दीजिए हम बैठ जायेंगे।

दूसरी बात यह है और जो सब से बड़ी हो जाती है वह यह है कि इससे कन्सट्रेशन आफ वैल्थ बढ़ेगा क्योंकि हमारे माननीय मंत्री खुद ला के बहुत बड़े विशेषज्ञ हैं, मैं तो विशेषज्ञ हूं नहीं, और उनको संविधान की किसी धारा की तरफ इशारा करना हमको उचित नहीं लगता है। लेकिन मैं उनसे जानना चाहूंगा कि आर्टिकल 39(सी) आफ दी कंस्टीट्यूशन, उसका क्या होगा, जिसमें लिखा है कि :–

"That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment."

मैं यह जानना चाहता हूं कि क्या नई सरकार—इन्दिरा जी ने गलत किया, सो समझ गये, नेहरू जी ने गलत किया, सो समझ गये, क्या नई सरकार समझती है कि जो संविधान बनाने वाले थे, वह सभी अज्ञानी थे? हम यह जानना चाहेंगे

कि आपका इसके मुतल्लिक क्या कहना है क्योंकि यह दिशा निर्देश था, जिसको लेकर हम लोग इस देश के अंदर बढ़ रहे थे।

एक दूसरी बात है, कंसेन्ट्रेशन आफ वेल्थ के बारे में है। हम कहना चाहेंगे कि जब ज्यादा कंसेन्ट्रेशन आफ वैल्थ हो जाता है, तो पार्लियामेंट पर पूंजिपतियों का कब्जा हो जाता है। वह मेम्बरों को अपनी पे-रोल में रख लेते है। यह दुनियाव्यापी अनुभव हुआ है और हमारे यहां भी देखते हैं कि किस तरह जब बाम्बे डाईंग का या रिलायन्स का सवाल उठता है, तो हाउस में किस तरह से डिवीजन होने लगता है, इसको हम लोग भी देखते हैं।

तो इसीलिए कंसेन्ट्रेशन आफ वैल्थ पार्लियामेंट को इनफ्लसम करता है और उसको नियंत्रित करता है। इसीलिए यह कंसेन्ट्रेशन आफ वैल्थ नहीं होना चाहिए।

तीसरा इससे सोशल टेंशन बढ़ता है। उसकी हमने आपसे चर्चा की। हम तो कम्युनिस्ट हैं। हमारे सी० पी० आई० (एम) के लोग भी कम्युनिस्ट हैं, वामपंथी लोग हैं। लेकिन आपको बता दें कि जो वामपंथ के लोग नार्मल तरीके से वामपंथ के लिए आंदोलन चला रहे हैं, वे कुछ पीछे हो रहे हैं। थोड़ा हम लोग बीच में वैजिटेरियन हो गये हैं, आपको तो मालूम ही होगा। हमारा वह सैक्शन जो नान-वैजिटेरियन है, उसके लिए आपके पास दूसरा कोई रास्ता नहीं है सिवाय आर्मी भेजने का। इसीलिए सोशल टेंशन बढ़ रहा है गरीबों के बीच में अत्यंत ही निराशा की भावना जग रही है। वह हथियार उठा रहे हैं। वक्त रहते चेत गये, तो ठीक बात है— नहीं, जाने का इरादा हो, तो उसको रोकने वाले हम कौन हैं। इसलिए अगर आप पूंजीवाद को अनियंत्रित कर देते हैं, तो फिर इसका क्या रास्ता हो सकता है, वह हम माननीय मंत्री जी से जानना चाहेंगे? वैसे मैं जानता हूं कि आजकल सभा के अंदर रीजनिंग नहीं होती है, पार्लियामेंट के अंदर तो व्हिप पर काम चलता है। व्हिप से आप पास करवा लीजिए, लेकिन उचित यह है कि आज जो चर्चा हो, उसका लोग जवाब दे सकें।

मैंने आपके बिल में जो पाजिटिव पाइंट था, उसका समर्थन किया, अब जो आपके निगेटिव पाइंट्स हैं, उन पर आता हूं कि क्या यह कमीशन से होगा कि वह दाम को नियंत्रित कर सके? ऐसे ही कानून दुनिया के दूसरे देशों में है। एंटी ट्रस्ट लॉ अमेरिका में भी है जहां मूल्य वृद्धि अनियंत्रित ढंग से बढ़ती चली जा रही है। आपने जो प्रोविजन दिया है, वह तो एंटी ट्रस्ट लॉ के मुकाबले में कम है, फिर आप दाम को नियंत्रित कैसे कर सकते हैं? दूसरी बात जो मैं मंत्री महोदय से कहना चाहूंगा कि आपने उचित मूल्य की भी परिभाषा कहीं नहीं रखी हैं। कमीशन क्या करेगा? वह तो हैल्पलैस क्रिएचर होगा। क्या मूल्य उचित होगा, कौन तय करेगा, कैसे तय होगा? इसके अलावा आपने उचित मुनाफा भी तय नहीं किया है। इस कानून के अंदर कहीं भी इसकी परिभाषा नहीं है। तो होगा क्या कि उसमें लूप होल्स होंगे और जो चाहेगा वह करता रहेगा। महोदया, इसके पहले भी जो कमीशन था, उस ने भी कोई अच्छा काम नहीं किया था जिसके लिए कि हम उसे याद करें, लेकिन क्योंकि पहले तो यह दांत भी नहीं थे, ये प्लास्टिक के दांत भी नहीं थे जोकि आप अभी देने जा रहे हैं, इसलिए मैं उसकी चर्चा नहीं करता हूं, लेकिन मैं कहना चाहूंगा कि चूंकि उचित मूल्य और उचित मुनाफे की कहीं परिभाषा नहीं है, इसलिए यह समझ लेना दुस्वप्न होगा कि हम मूल्य नियंत्रित कर सकेंगे। दूसरी बात है कि कास्ट आफ प्रोडक्शन को जानने का कानूनन अधिकार आपने नहीं दिया है कि क्या कास्ट आफ प्रोडक्शन है? यह कोई नहीं जानेगा? इसको कहा जाता है कि यह ट्रेड सीक्रेट है और यह इतना पवित्र है कि गीता और कुरान और बाइबल से भी ज्यादा पवित्र है। इसलिए कास्ट आफ प्राडक्शन को कोई नहीं जान सकता है। यह पूंजीपतियों का एकमात्र अधिकार है। इसी तरह मैं आपसे कहना चाहूंगा कि जो प्रायवेट कंपनीज हैं, उनके कुछ गुण

[श्री चतुरानन मिश्र]

हैं। मैं सरकार का ध्यान उस ओर आकर्षित करना चाहूंगा। उनका गुण है कि वह काले धन का सृजन करते हैं, उनका गुण है कि वह टैक्स इवेजन करते हैं, उनका गुण है कि वह एडल्ट्रेशन करते हैं, उनका गुण है कि वह पैसे की चोरी कर के विदेशों में जमा करते हैं... (समय की घंटी).. मुझे 5 मिनिट और दे दें।

उपसभापति : मेरा आपसे एक निवेदन है, क्योंकि आज बहुत बिजनेस है, 25 स्पेशल मेंशन हैं और सब मेंबर्स को जाना भी है।

श्री चतुरानन मिश्र : आप मुझे 5 मिनिट दे दें। उसके बाद आपको घंटी बजाने की जरूरत नहीं होगी। मैं यह कहना चाहता था कि वह जाली खाते रखते हैं। यह सब जानते हैं, फिर भी आप कहते हैं कि हम इसको चैक करेंगे। यह उनका विशेषाधिकार है और इस कानून के जरिए आप उनको कहीं नहीं छू पा रहे हैं। इसलिए मैं कहता हूं कि यह जो आप कर रहे हैं, यह उचित नहीं है। मैं आपसे यह कहना चाहूंगा कि अगर आप सचमुच चाहते हैं कि मूल्य नियंत्रण हो तो एक दूसरा तरीका अख्तियार कीजिए अगर हमारी राय आपको मंजूर हो तो हम आपसे कहना चाहेंगे कि आप जाइंट सेक्टर की पद्धति अपनायें। अगर आप चाहते हैं कि उन पूंजीपतियों के कारखाने में मजदूर उचित ढंग से काम करें, समाज उनके प्रति अच्छा एटीट्यूड रखे तो पूंजीपतियों को बदलना होगा और मैं तब सुझाव दूंगा कि बोर्ड आफ डायरेक्टर्स में मजदूरों के प्रतिनिधि और कंजूमर्स के प्रतिनिधि और सरकार का एक प्रतिनिधि होना अनिवार्य कर दीजिए। सरकार का मैं इसलिए कहता हूं कि हमारे जितने भी पूंजीपति लोग हैं, वह आपकी ही फायनेंशियल इंस्टीटयूशस से रुपया लेते हैं। दत्ता कमेटी ने सिफारिश की थी कि आप के फायनेंसियल इंस्टीट्यूशंस से जो रुपया लेते हैं, उसको इक्विटी शेयर्स में टर्न कर दीजिए अगर आप यह कर देते हैं और मजदूरों के प्रतिनिधि रहते हैं, कंजूमर्स के प्रतिनिधि रहते हैं तो यह एक नए किस्म का सेक्टर होगा जोकि जाइंट सेक्टर की तरह का होगा। तभी इसको राष्ट्रीय सेक्टर समझा जा सकता है और तभी कुछ काम होगा, नहीं तो आप अगर एकाधिकारियों को अनियंत्रित अधिकार देते हैं तो यह कभी भी नहीं रुक सकते हैं। मैं सरकारी प्रतिनिधि के बारे में कहना चाहता हूं कि अगर वह समय पर सरकार को खबर नहीं करते कि वहां पर डायवर्सन आफ फंड्स हो रहा है तो उन पर क्रिमिनल केस चलाने का भी अधिकार होना चाहिए ताकि आप उनको नियंत्रित कर सकें। अगर आप ऐसा नहीं करेंगे तो यह देश कभी भी इस बात को बर्दाश्त नहीं करेगा। इसमें पूंजीपतियों को भी एतराज नहीं होना चाहिए। अगर कोई ईमानदारी से अपना बिजनेस चलाना चाहते हैं तो इससे राष्ट्रीय हित की रक्षा होगी और इससे तमाम लोग एक रास्ते पर चलकर के देश को एक नए ढंग से चला सकेंगे।

12.00 Noon

आप कहेंगे कि ज्वायंट सेक्टर की क्या स्थिति रहती है? मैं इस बिन्दु प आने से पहले आपसे यह कहना चाहूंगा कि आज अमरीका जैसे देश में भी यह हाल है कि वहां की सरकार कारटेल्स पूरी मदद में आती है, चार-पांच कारटेल्स को कभी भी सरकार गिरने नहीं देती है। आपका भी यह कर्तव्य हो जाएगा कि आप भी वही काम करेंगे। इसीलिए हम कहेंगे कि आप एक नई तरह की व्यवस्था कीजिए। यहां तक यह प्रश्न उठता है कि क्या यह ज्वायंट सेक्टर में अच्छा कर सकता है या नहीं? तो मैं आपको एक उदाहरण देता हूं, यह जो पूंजीपतियों का अखबार है इकोनामिक पोलि० डेली "ओब्जरवर" इससे उद्धरण करके देता हूं :—

However, to assume that privatisation is the panacea of all ills associa. ted with the public sector is unjustified. Since the private sector has its own set of problems it would be advisable to look at the likelihood of taking recourse to joint sector for better utilisation of the resources. The joint sector is an effort to synthesise the intrinsic merits of hoth the

private and the public sectors. Al-thought the jont sector concept was conceived by the authors of the Industrial Policy Resolution, 1956, it was really a brain-child of the Industrial Licensing Policy Enquiry Committee, popularly known as the Subimal Dutta Committee.

इसलिए मैं तो आपसे अनुरोध करूंगा कि ज्वायंट सेक्टर की परफोरमेन्स बहुत अच्छी होती है और अगर आप कानून में कोई व्यवस्था करना चाहते हैं तो ऐसी व्यवस्था कीजिए वरना यह केपिटलिज्म का मेनिफेस्टो हम लोगों को मत सुनाइए । यह अत्यन्त दूषित है, इस देश में जो भी प्रजातांत्रिक एक पद्धति है, उसका सर्वनाश कर देगा । इसीलिए मैं इसका विरोध करता हूं और सारे सदन से चाहता हूं कि इसको नामंजूर कर दें । धन्यवाद ।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENT ARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Madam, Chairperson, I beg to move: —

> "That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969 and the Companies Act, 1956, as passed by Lok Sabha, be taken into consideration."

The MRTP Act 1969 was enacted in 1969 and came into force on 1-6-1970 with the twin objective of ensuring that the operation of the economic system does not result in concentration of economic power to the common detriment—if I may be permitted, I would like to emphasise the term 'common detriment', for the control of monopolies—and for the prohibition of monopolistic and restrictive trade practices. The Act was amended in 1982, 1984 and 1986 to bring within its scope unfair trade practices and to bring the provisions of the Act in tune with modifications in the industrial licensing policies for achieving greater productivity. The basic philosophy as per the Act was never to inhibit industrial growth, it has been our experience that applications of large industrial houses, popularly known as MRTP undertakings for establishment of new undertakings, expansion of their activities, amalgamation, merger and takeover whenever found unacceptable were generally rejected on the grounds valid for purposes of licensing and there were very few cases where such an application could be rejected on the grounds falling under the MRTP Act. In the process the projects initiated by the MRTP companies were delayed in view of the time-consuming procedures for prior approval of the Central Government. With the growing complexity of industrial sector and need for achieving competitive edge in the international market and economies of scale for ensuring higher productivity we found that the restrictions under the MRTP Act on investment decisions of the corporate sector had outlived their utility. The proposed amendments should help get rid of project delay and help in acceleration of modernisation of the Indian industry. In the changing global scenerlo it was considered necessary to remove restrictions and controls and expose our industry to international competitiveness. In conformity with the new Industrial Policy Statement, 1991 the main thrust has now shifted to curb and regulate monopolistic, restrictive and unfair trade practices which are prejudical to public interest. The exemption available to public sector companies, cooperative societies *etc.,* under Section S of the MRTP Act has since been withdrawn and these undertakings nave also been brought at par with the private sector in the interest of consumer protection.

As per the new Industrial Policy, licensing has now been reserved for only 18 industries. The concept of prior approval for setting up new undertakings or for expansion of capacity has been given up as per the Ordinance. In line with the exi'

[Shri Rangarajan Kumaramangalam]

ting approach, the criteria for determining dominance is now restricted to the market share of 25 per cent of the total goods produced, supplied, distributed or services rendered in the country. Dominance is now only relevant in the context of acquisition and transfer of shares, the result of Which is either creation or increase of dominance.

We propose to strengthen the MRTP Commission by enlarging the scope of enquiry before it. It is also proposed to empower the Commission to punish for contempt under the Contempt of Courts Act 1971 and the provisions for punishment for contravention of the orders passed by the Commission and Central Government have been enhanced to act as a deteirent against erring offenders. Certain other changes are also proposed to be made to avoid interpretative defects and aviodable litigation.

The Bill sseks to replace the MRTP (Amendment) Ordinance 1991 with some modifications.

I Would like to, at this stage itself, take the opportunity, Madam Chairperson, to meet some of the powts that have been raised by the hon. member. Mr. Chaturanan Mishra.

THE DEPUTY CHAIRMAN: It is can do it while you are replying, not at this stage.

SHRI RANGARAJAN KUMARA MANGALAM: Since it has already been raised

THE DEPUTY CHAIRAN: It is already raised. But only when you are replying to the debate:

SHRI RANGARAJAN KUMARA-MANGALAM: Normally, it is the other way round in the Lok Sabha where we move the Bill and then they make.

THE DEPUTY CHAIRMAN: Rajya Sabha has got its own traditions.

SHRI RANGARAJAN KUMARA-MANGALAM: I know. That is why I was wondering whether I should reply.

THE DEPUTY CHAIRMAN: You can reply afterwards.

SHRI RANGARAJAN KUMARA-MANGALAM: The Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969 and the Companies Act, 1956, as passed by the Lok Sabha may be taken into consideration by this August House and passed.

*The questions were proposed.*

SHRI DIPEN GHOSH: Madam, Chairperson, I rise to support the Disapproval Motion moved by my colleague, Mr. Chaturanan Mishra and to oppose the Amending Bill as passed by the Lok Sabha and just now by the Law Minister in the Rajya Sabha.

Madam, yesterday, we heard the Prime Minister in this House and he asserted that the present Government has an intention to reverse the Neh-ruvian Policy. But I do not know whether it was accidental or incidental that he did not mention the name of Madam Indira Gandhi. Because perhaps he was aware that the next day the Amending Bill will be piloted in this House—though it is called Amendment, it is actually the nullfl. cation of the Bill piloted by Indira Gandhi's Government in the year 1969. I have already stated and for that matter I really wonder whether I should congratulate our hon. colleague and the Minister. Mr. Ranga-rajan Kumaramanglam that actually in 1969 this Act was passed in the Parliament on a Bill piloted possibly by his father or rather he has some contribution to make.

SHRI RANGARAJAN KUMARA-MANGALAM: He was not a Member of Favliament at that time. He became a Member in 1971. This was piloted in 1969.

SHRI DIPEN GHOSH: Perhaps there was some mistake, either his or mine. But it was the contribution of Shri Mohan Kumaramanga-lam, the illustrious father of Mr. Rangarajan Kumaramangalam and perhaps he was expiating for the sin of his father. Anyway, the fact is that the MRTP Act had a background and it did not fall from heaven or come from beneath the earth. Some committees and commisions were set up. They had gone into this particular aspect. Mahalanobis. Committee, Hazari Committee had gone into this aspect. Other committees were there. They had also gone into this aspect, they had recommended and thereafter this Act was passed and this Bill was pased and made into an Act, MRTP Act. I appreciate the Minister's introductory speech and also when he addressed a press confrence after the Government had taken the decision to amend this MRTP Act, that MRTP Act, as such, could not stop concentration of wealth and capital in the hands of a few. It is good that the Government and for that matter the present Minishter had come out on record that though there was an MRTP Act, it could not stop concentration, maybe, because there were some loopholes in the Act itself and for that matter the MRTP Act of the MRTP Commission could be given more teeth. While throwing the bath water one must not throw out the baby and the present Government (Incurruption)

PROF. SAURIN BHATTACHARYA : (West Bengal): what about the basket?

SHRI DIPEN GHOSH: They will be holding it for the nation. That is waiting. Exeryboriy will be having a basket and moving around for arms.

Madam, what I want to say is that it is not an amendment. It is nullification of the MRTP Act. If you compare the present Bill with the principal Act, you will find that there will be no necessity for any company, whatever the conerniation of assets to be registered under the MRTP Act. No permission will be required for any company to implement its expansion programme. Are you going to say 'no'? Merger, amalgamation, takeovers, setting up of new industries of whatever kind, no permission will be necessary for a monopoly company. Actually they are going to change the criterion of monopoly. I have understood your law. this amending law, though I don,t understand the law as you understand it that is why I have said 'criterion', not 'definition', Mr. Chaturanan wanted to know the definition.

SHRI CHATURANAN MISHRA: No no; I did not say this. That was not my point. My point was after amending this Act the word 'monopolistic' should be deleted from the original Act. Only the words "restrictive trade practices" should be there.

SHRI SANTOSH BAGRODIA (Rajasthan): You don't understand each other.

SHRI DIPEN GHOSH: Madam we have a Constitution with a preamble and that preamble was amended at a point of time. A new word socialist' was incorporated therein. We have the Directive Principles of State Policy in our Constitution wherein, *inter alia,* it has been said that the operation of the economic system it should not result in the concentration of wealth. I would like to. quote article 39(c) in this connection:

"39. The State shall, in particular direct its policy towards securing—

(e) that the operation of the economic system does not result in the concentration of weatlth and means of production to the common detriment;"

The words used are "does not result in the concentration of wealth and means of production to the common detriment". It is enshrined in

*[Shri* Dipen Ghosh] our Constitution. Nowhere in the world can you find such a provision though there is a changing global system. We have a part in our own Constitution which is called the Directive Principles of State Policy. So, such a directive principle is there in our own Constitution. I wonder whether Mr. Rangarajan Kumaramangalam, if he presides over the Ministry of Law and Justice, would bring forward an amending Bill to amend this particular article of the Constitution or, for that matter, the Preamble to the Constitution; I do not know. I am saying this because they are talking about the changing global system, talking about the changes in the economic system that are taking place. So, in order to conform to the changing global system according to their perception, I would like to know whether they would bring forward these two amendments to amend the Preamble and the Directive Principles of State Policy. Can he assure me on this? Only yesterday, Mr. P.V. Nsrasimha Rao, the Prime Minister of our country, was speaking at large on foreign policy, on the visits of the Nepalese Prime Minister and the Chinese Prime Minister to India, on his own visits to foreign countries, and was talking about the changes in the world politics. He did not refer to anything, did not, inter *alia,* mention anything. But, in the moming papers today, I find that in one Embassy building located in Delhi, the flag that has been flying so far has been changed, the flag that was flying atop that building has been changed. (Interruptions) .. and the flag is the flag of the Czarist Russia... *(.Interruptions)* ...

SHRI SANTOSH BAGRODIA: Now it is the flag of the Czarist Russia! ... ((*Interruptions)* ..

SHRI DIPEN GHOSH: It was flying over an Embassy building in New Delhi and I do not know..... *(Interruptions)*...

SHRI RANGARAJAN KUMARAMANGALAM: Madam, it would be better if he does not refer to it *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, just a minute ..... *(Interruptions)* ...

SHRI RANGARAJAN KUMARAMANGALAM: Madam, he says that the flag that was on the Soviet Embassy building has been changed and it is the flag of the Czarist Russia, is not the flag of the Czarist Russia, but it is the flag of the Republic of Russia. He must realise that... *(Interruptions)* ... It is not advisable to go into that.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, I do not think that the Czarist flag comes under the purview of the MRTP Act; it does not come under the purview of the discussion now. Let the Russian flag be with the Russians ..*(Interruptions)*.. Let us confine ourselves to our own flag.

SHRI DIPEN GHOSH: Madam, the point that I was making was where they were leading our country to with successive amendments. That was why I asked whether he would bring in amendments to the Preamble and the Directive Principle of State Policy. These amendments will help further,the MRTP Act itself. As it is, it could not stop concentration. According to the "Economic Times", during the half year ending September 1990, the sales income of 77 private sector companies out of the 101 giants, amounted to Rs. 18,869.9 crores, which is an increase by 18.3 per cent over the sale period of 1989. And previously we used to call 75 giants considered as monopoly. Now, even the monopolist newspapers .. (Interruptions) The sale income has gone up by 18.3 per cent over six months in 1989-90, in one year. And the total assets.. *(Time bell rings)* I am giving you the sale figure of Economic Times; it is not my figure. The total assets of 101 private corporate sector agencies amounted to Rs. 445,000 137 crores as against Rs. 36,225.82 crores in the same period.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, your time is over.

SHRI DIPEN GHOSH: Two or three minutes. That is 27 per cent increase. So it is not as it is being complained by the corporate houses that the MRTP Act was creating hurdles or bottlenecks in the path of their growth or diversification. It was their complaint. The MRTP Act was acting as a deterrent to their growth and diversification as they complained. No. The MRTP Act did not act as a deterrent to their growth or diversification, because growth was there—more growth. In one year, in 1989-90, there was the sale income growth by 18 per cent. The total assets growth was 27 per cent.

The Second point is diversification. Who has not diversified? The ITC were known as tobacco manufactu rers. Now they are exporting ma rine products. They are exporting jute; they are manufacturing jute goods. The Tatas and Birlas are no more known for locomotives or en gineering. The Birlas are no more known as dealing only with jute or automobiles. Every monopoly houses has diversified. So what was the necessity of amending the MRTP Act? Even though the Minister is talking about global changes and high technology and all these things, eyen though the Indian economy suffered from low technology, that did not act as a deterrent to increase their assets and sale income. You don't understand?

SHRI RANGARAJAN KUMARAMANGALAM: I do not disagree with you on this.

THE DEPUTY CHAIRMAN: Now will you please sit down?

SHRI DIPEN GHOSH: I am going to conclude. I am going to cooperate. I want to emphasize, Madam, that this is not a necessity of Indian economy, nor is it the necessity of the law itself. The law requires some amendment, not the entire ramifications nor entire surrender or sell-out of monopolists in the private sector as envisaged in the amending Bill.

Now what is happening? If the Government refers a case to the Monopolies Commission, then alone the Monopolies Commission goes into the details. The Monopolies Commission has no power by itself to take up a case. (Time bell *rings)* That is why I say that this will open the door to loot, to undeterred, unhindered profit earning and exploitation of labour and consumers by monopoly houses. And the Government is going to appease these monopolists. That is why I oppose this Bill and I support the disapproval motion. Thank you.

SHRI IN. K. P. SALVE (Maharashtra): Madam, I did not have the slightest intention of participating in this debate, but as I heard hon. Members Shri Chaturanan Mishra and Shri Dipen Ghosh, I thought I need to clarify one or two issues.

In principle, what they are saying is something over which there can be no objection. But I fail to understand how this Bill comes in the way of their trying to enunciate on principle. If you want an effective check on monopolistic unfair and unrestricted trade practices. I would like them to point out any provision which will militate against Government's intention to stop unfair trade practices, restrictive trade practices and monopolistic trade practices. What is sought to be done is bureaucratic control.

Madam, the MRTP Act was never intended to throttle industrial grow-. th but it was to ensure the expansion of healthy practices and the industrial growth as such. What has happened in reality? He himself complained that so far as large business houses are concerned they continue to amass wealth. Has that happened or not happened with MRTP as it is? Yes. That means what happens is emphasis ought to have been to check monopolies. If you are going' to trust bureaucracy

[Shri N. K. P. Salve]

to hand over you Socialism on a silver platter, I am afraid I can not agree with you. It is not pos sible. They are not committed to you. How is that so many busi ness houses still manage to circum vent and get away? How is it that the Monopolies Act has helped the growth of business houses? If Mr. Chaturanan Mishra or you could have pointed out that, well, this provision militates against your basic concepts of preventing monopilies, restrictive or unfair trade practices, I would be with you; I would be supporting you. But all that is meant, Madam, is rationalisation. Certainly there are changes in the entire industrial world And is not the productivity of the Indian rupee in the Indian industry one of the lowest? What are the rea sons? Why are you against diversifi cation?

SHRI RANGARAJAN KUMARA-MANGALAM: They talk in two tones, one in Calcutta and one here.

SHRI N. K. P. SALVE: I won't say that. What I am pleading with the Opposition parties, Madam, is a degree of objective evaluations and assessment. If you run us down for everything/. (Interruptions)

Yesterday or the day before yesterday there was so much acrimonious debate on the public sector undertakings one way or the other. The question is, in the Nehruvian line they seem to be saying: Are we doing on the left of the road or are we going on the right of the road? The real issue is, are we going forward or are we going backwards? The Prime Minister's reply yesterday proves conclusively that the entire acrimonious debate was unnecessary and unwarranted. He said: we continue with the mixed economy; we do not have enough money to invest in the core sector; the core sector as it is will remain. So far as sick industry is concerned, our top most priority is that their sickness is removed. He also said: we are not going to take up the nek industry of private units.

And, finally, so far as the problem of the employees is concerned, he gives a very satisfactory answer that everything possible is being done. We are as much concerned about the employees as much as you are. Where is the question of so much acrimonious debate which went on for so many hours. So many hours were wasted. for no rhyme or reason. Are we not talking of the sam$_e$ thing in principle? If you are talking of the same thing in principle, I appeal to them to kindly realise that if the Act only intends to minimise and take away unbridled authority of the bureaucracy and ensure an effective control on monopolies, unfair trade practices, then this Bill must be supported. In the working, Madam, I must submit that many things will have to be looked into—what are the roots of corruption, what are the roots of all the problems about which you are complaining, etc. And if the Government comes up with a will, bold enough, to get rid of them, now you are opposing it. I fail to understand, Madam, one thing. Chaturanaji has gone away. He referred to...

THE DEPUTY CHAIRMAN; He is there. He has defected!

SHRI CHATURANAN MISHRA: I am here. I have come to your side so that I can hear you more clearly..

श्री एन० के० पी० साल्वे : अमेरिका के जो ट्रस्ट लाज हैं, कार्टेल के खिलाफ लाज हैं उनका जिक्र किया है । मैं उनसे पूछना चाहता हूं कि अगर वहां के ला आपने देखे हैं या समझे हैं तो क्या उसका इम्प्लीमेंटेशन ब्यूरोक्रेसी के हाथ में है ? वहां पर भी कमीशन है । कमीशन के सामने अगर शिकायत चली गयी, तो कार्टेल के मातहत जो शिकायत होगी तो बड़ी से बड़ी इंडस्ट्री बंद हो जायेगी । इसी तरह से हम यहां कमीशन देना चाहते हैं । अगर वाकई में मोनोपोली ग्रोथ हो रही है, रेस्ट्रेक्टेड ट्रेड प्रैक्टिसेज या अनफेयर ट्रेड प्रेक्टिसेज हो रही है तो इसको ज्यादा मजबूत बनाकर इसको दांत दिये जाएं । आप कह रहे हैं कि

प्लास्टिक के दांत दे रहे हैं । लेकिन प्लास्टिक के दांत तो आज थे क्योंकि वे दांत आपके नहीं थे, कमीशन के नहीं थे, ब्यूरोक्रेसी के थे, 25 तरीके से आप उसको सरकम्वेंड करवाते थे । इसलिये ईमानदारी से आप मोनोपोली को रोकिये, अनफेयर एंड अनरिस्ट्रिक्टेड प्रैक्टिसेज को रोकियेगा और ग्रोथ को मत रोकियेगा ।

Under the garb of preventing monopolies and restrictive and unfair trade practices, please do not hit at the productivity of the Indian industry. You have got to compete. You have got to be a part of the global economy today. The entire concept of self-sufficiency has changed. Can you depend on your own selves? It is just not possible. Your economy has got to. be a part of the global economy. Otherwise, you will not only stagnate but you will also go behind some where where you will bring about a tremendous amount of havoc on to the people. Let us be willing. The best possible entrepreneurial skill is with us. We have one of the top-most technical personnel to manage our industry. Our people in the United States of America—I was watching a TV serial—are at the top of the world.

श्री चतुरानन मिश्र : साल्वे साहब, हमने यह नहीं कहा अगर आपने सुना होगा, मैंने हिन्दी में कहा था । इसलिये फिर मैं आपको बता रहा हूं कि अगर एन्ट्री प्वाइंट पर है, नया कारखाना खोलने की बात है तो हम कम्युनिस्ट लोग भी बदले हुए हैं और हम इस पर विचार करने के लिये तैयार हैं ।

I am with you on that point. But don't say that. What I have said is that...

हमने पहले भी कहा कि पहले उसके दांत कागज के थे और अब भी आप जो दांत उसको दे रहे हैं वह प्लास्टिक के हैं उससे भी आप एकाधिकार को रोक नहीं सकेंगे । सपोज, अभी मिलकर प्रोडक्शन कम कर दें, तो आप कानून के भी जानकार हैं, तो बताइये कि किस सेक्शन के मुताबिक हम रोकेंगे प्राइस बढ़ाना ? देयर इज नो सेक्शन ।

श्री रंगराजन कुमारमंगलम : रखा है, आप अच्छी तरह से देखिये ।

श्री चतुरानन मिश्र : हमने देखा है । अगर उत्पादन को कंबाइंड घटा देंगे तो कुछ नहीं किया जा सकता । कह देंगे कि उत्पादन नहीं होगा । You have no provision in the law.

दूसरा भी हमने कहा है कि जब कंसन्ट्रेशन आप वेल्थ होता है तो पार्लियामेंट पर भी वे अधिकार करने लगते हैं । रिलायंस की चर्चा करके, बंबई डाइंग की चर्चा करके हाउस डिवाइड होने लगता है ।

श्री एन० के० पी० साल्वे : दोनोंमुद्दों का मैं जवाब देना चाहता हूं चतुरानन जी को क्योंकि सिद्धांत में वे कह रहे हैं कि ग्रोथ के लिये उन्हें कोई ऐतराज नहीं है । पहली बात तो उन्होंने यह फरमायी कि अगर कोई रेस्ट्रिक्टेड ट्रेड प्रेक्टिस पर इंडल्ज करता है, अपना प्राडक्शन घटा देता है ताकि वह मुनाफाखोरी कर सके तो यहां सरकार को पूरे अधिकार हैं कि वह मोनोपोली को मैटर रेफर करें । आप ला सकते हैं, कैसे नहीं ला सकते हैं मेरी यह बात समझ में नहीं आती है कि मोनोपोलीज को रोकने के लिये जो प्रावधान है वे पर्याप्त नहीं हैं, अगर यह आपकी शिकायत है तो बताइये कि कौन से प्रावधान हैं जो पर्याप्त नहीं हैं ?

SHRI JAGESH DESAI (Maharashtra) : You are talking about market economy. How can you stop?

SHRI N. K. P. SALVE: If you are talking of market economy, then I must submit that we must not shun away from market economy. We must not shun away from market eocnomy which we have done all these years. Madam, under the garb of achieving socialism, what we have achieved is bureaucratic socialism.

SHRI DIPEN GHOSH: Amend the Constitution.

SHRI CHATURANAN MISHRA: It. is not a question of shunning away. It is a question of surrendering to the market forces.

SHRI DIPEN GHOSH; Bring an amerdment to the Constitution.

उपसभापति : चतुरानन जी, आपको मैंने काफी समय दिया है ।

SHRI DIPEN GHOSH: Show your guts.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, you were given enough time. As I requested everybody, there is constraint of time. Please do not interrupt. When you were speaking, he was not interrupting.

SHRI CHATURANAN MISHRA: I had no idea to interrupt but...

THE DEPUTY CHAIRMAN: Please let him continue.

SHRI DIPEN GHOSH: Growth for whom? Growth for the common good, as enshrined in the Constitution, and not for individual profit.

THE DEPUTY CHAIRMAN: I will not permit, Mr. Ghosh.

SHRI N. K. P. SALVE: I heard you with great patience. Let me tell you that our commitment to the Constitution is total. We want an egalitarian society. We do not want bureaucratic socialism which has come out as a result, *inter-alia,* of this law, Is there any one who is going to deny? *{Interruptions).*

THE DEPUTY CHAIRMAN: I want to be very clear. I will give time to everyone, according to their parties But please don't interrupt. We have no time for interruptions. We have got a lot of business to do.

SHRI N. K. P. SALVE: Only if you go to the market economy, will you be able to ensure a fair competition, and unless there is a fair competition, you will never be able to curb restrictive trade practices. The crucial question is whether we have learnt anything in the last 21 years by the actual working of this law. I have worked very closely in the realm of industrial field, and I can tell you that this Act has been more abused than used. And that was because bureaucracy had all the powers and authoiity. How much of monopolies could be curbed? How many restrictive trade practices have been curbed? It is very ineffective, very meagre. All that has been curbed is, you have *to* go to the bureaucrats begging, at their mercy, and once you have got it, then you are able to fix up your own prices; you are able to go about the way you want to go, and produce sufo-standard goods.

SHRI DIPEN GHOSH: What was the necessity of promulgating ar ordinance?

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, you are a senior Member of this House. You were given more time than your party had allotted you. Don't interrupt. Let me run this House so that we can finish the business. Till now, Mr. Salve has never interrupted you. Please don't. He has a right to his opinion; you have a right to your opinion. That is all.

SHRI DIPEN GHOSH: I am helping him.

THE DEPUTY CHAIRMAN: Don't help him. I think he is capable of helping himself.

SHRI N. K. P. SALVE: I am not on the question of the need of promulgation of the ordinance. I am on the merits of the matter. We were continuing with the mixed economy. We are not going to disturb our public sector undertakings in the core sector. We are not in any manner

whatsoever trying to tinker with the basic concept of prevntmg monopolies, unfair trade and restrictive practices. All this is there. I really don't know what their objection, in principle, is if we are wanting to establish a more eificacious and more honest machinery to ensure that we are able to im-plemeat the objects of the Act more sincerely and honestly. This Act has caused far more havoc in the realm of monopolies, caused far more havoc in the realm of encouraging restrictive trade practices, because we were dependent on the bureaucrats. Now by this enactment, certain provisions are going into he provision of the Companies Act itself. It will naturally be taken care of at the initial stages. There are only some areas in respect of which bureaucracy will have some authority; otherwise if there is any complaint of monopolist-tic practices, restrictive trade practices or any mal-practices, it is open to the Government to go to Monopolies Commission, and the Monopolies Commission has more teeth. It will take care of the whole situation.

Therefore, in the end, all that 1 want to submit is that if we really want a new upsurge, a thrust towards industrial growth, if we don't want to stiflle and stultify the productivity for every rupee invested in our country which is unfortunately the lowest, here is the answer. In India it is the lowest. The Indians who run industry and trade in England, in Africa, in America, achieve a productivity higher than what the Ameri cans achieve in America, what the Jews in America achieve, and it is only in India that we are not able to do that because all these years we have put up with such unpragmatic and extremely doctrinaire law in which we entrusted our fate into the hands of bureaucracy. For God's sake, break the shackles of bureaucracy, and let our industry and trade flourish in healthy surroundings and practices, and this Bill and this enactment would help that. Therefore, I fully support this BUI, Thank you.

SHRI DIPEN GHOSH: *mr. Salve* is a gooa aelence lawyer, tor an in-ueieansible cause, (interruptions)

THE DEPUTY CHAIRMAN; Snri-mati Kamla Sinha. Your party has runeteen minutes. You nave two speakers from your party. Please divide tne time between the two of you.

SHRIMATI KAMLA SINHA (Bi-iuuj: Madam Deputy Chairman. I rise to speak against this amendment Bill.

I agree with my colleagues, Mr. Chaturanan Mishra and Mr. Dipen Ghosh, when they say that this will only help the big monopoly houses. We have seen, after this new Government came into being, a new industrial policy, a new economic policy, and a new direction towards blobali-sation. I feel that this MRTP (Amendment) Bill is a corollary to the whole thing. This Bill, when passed, will give further strength to the big monopoly houses.

Our esteemed Member, Mr. Salve, was saying that the bureaucracy was responsible for retarding industrial growth in the country. I would, therefore, like to know from the hon. Minister whether they are going to restructure the administrative system in our country. I would like to know whether they are going to do something to curb the powers of the bureacracy. As far as I know of the administrative system, it is the bureaucracy which is running the Government, not the Members of Parliament and the Legislatures. It is the bureaucracy which is always there. As the saying goes; the King is dead, long live the King.

SHRI N. K. P. SALVE: Madam, all I said was: let the market forces run the industry, rather than the bureaucracy. The fate of the industry be rather decided by the market forces than the bureaucracy. This was my basic thrust.

SHRIMATI KAMLA SINHA: We have seen a new scenario. Since Independence, we have seen that private industrial houses, in spite of the shackles that were there under the parent MRTP Act, have been growing. Take, for example, the top twenty business houses: Tatas; Birlas, Kirloskars, Modis, etc. etc. They started with asset worth just Rs. 100 crores. Now, these top twenty business houses arte having assets worth more than Rs. 5—6,000 crores each. They are controlling everything in India. There is the second group of monopoly business houses. They are having assets worth Rs. 1,000 crores each. They are also making huge profits. They are also trying to come up to the top? We are only going to help them grow further, through this Bill. We will only be helping these big business houses to grow further. There wil be no shackles on them. There will be no registration needed, under the new amendment. No permission will be needed to set up new industries. M£ans of production will be centralised. In fact, they have always been centralised in the hands of a few. Now, they will be further centralised, in the hands of a few big industrialists.

Our founding fathers visualised an egalitarian society for us, and a rule of law. They also had visualised an India, where everybody will share the profit of labour; everybody will have something to eat, something to drink and a shelter over then*. But what scenario do we have?

Half of the population live below poverty line. Thirty million youth youth are unemployed or underemployed. Somebody said that mo-domination was needed new tech nology was needed but what do they bring? Modernisation new technology all these things bring unemployment. They may bring more production but they also bring un-employment. Can we afford it? This is what I would like to ask this au-gust House. Madam while moving this Bill the Minister said that indus trial development was needed for higher productivity. This Bill, when passed, will bring higher produc tive/. I can understand that India has to take a proper place in the global scenario, for that we need productivity, but not at the cost of the million of the toiling masses. We need productivity, we need free mar ket economy, but we have to see at the same time that we are just not slaves in the hands of big business houses. Dipen Babu, has quoted how the Tatas, Birlas and big business houses have started diversifying. Dunlop had been a Tyre company, now they have gone into marine products. Therefore, I feel that this Bill when passed will give unshackled freedom to the big business houses. It will not help in big industrialisation process because we have seen how the corporate houses, the big business houses have amassed wealth in. their own hands and we have also noticed that when and industrial house starts its business its aim is to generate money as capital and make profit we have now invited for global process, multinationals. They will be coming, they have already started coming in, and why do they want to come here? They are not coming here for India's prosperity and development, they are coming here for India's free market and for cheap labour. We are going to offer them our free market and our cheap labour and all the Indians will be exploited by them.

With these words I oppose this Bill. Let the Ordinance be there. If the hon. Minister wants to amend the Bill, let him refer the amendments to a Joint Select Committee where Members from both the Houses can sit and discuss all the aspects, pros and cons and then the amended Bill can be passed. Why should the Minister be in such a hurry? There is no hurry. The Ordinance is already there. So, I request you, Madam, to instruct

the Minister to withdraw the Bill and refer it to a Joint Select Committee.

Thank you.

SHRI SANTOSH BAGRODIA: Madam Deputy Chairman, I thank you for giving me this opportunity. I rise to support this Monopolies and Restrictive Trade practices (Amendment) Bill, 1991

Going a little into the history of this, no doubt, this Act was introduced by Madam Gandhi to avoid concentration of economic power to the common benefit. Earlier speakers have mentioned that in spite of this they feel that the concentration of economic power is developing in the country; rich people are becoming richer and poor people are becoming poorer. By their own admission, there is no effect of this MRTP Act in reality. It is their opinion; I am not trying to say that it is my opinion. If that is so, I can't understand why they are trying to object or why they are trying to say that this Act should continue as it is. They must understand why this change is required now.

Madam, if we try to stick to what had happened a hundred years before or 40 or 20 years before and if we don't change with the changing times, I am sure we will continue to remain in a bullock-cart economy and we will never reach the economy of the jet age. Whereas the world is going ahead and people are talking about going to the moon, we will still talk of how to make a small road in a village. I don't dispute that making loads is a very important thing. We have to make roads in the villages: that is a very essential thins. But how do we make the road most efficient? That is what has to be seen. It is not a question of only making a toed.

Madam, before going into more details, the honourable Member who spoke just before me—Mrs, Kamla Sinha—has raid that this Bill should go to a Joint Committee, we are not in a hurry and why such a great hurry? I say, it should be not only today but it should be done immediately after I speak. This Bill should be passed immediately. We are in a great hurry for greater development of the country. If we go on delaying this, we will only delay the development of the country- In spite of what we have experienced during the last 20 or 30 years if Mrs. Sinha still feels that there is no hurry, I can ony pity the policies of her party.

Madam, this particular Bill, in totality—in my opinion—has got only two things. One, is, the MRTP Act is now extended to the public sector also. The second point is, now the houses covered by the MRTP Act can enter the core sector or expand. So. some kind of a restriction which was there earlier is no more there. These are the two vital factors which are important in this particular Bill.

Now, coming to the extension of this Act to the public sector undertakings, what is happening now? All of us, as ordinary citizens, are experiencing difficulties. What is hap-penning in the public sector today? You go to the Telephones. One Member, an ex-Minister, went to the Telephones Office because his telephon was not made to work. Who is that ex-Minister? He was the Home Minister of the country. And his telephone was not made to work for one effect of public sector monopoly is! week continuously. This is what the We know what is happening. We go to the Steel Authority, we go to the core sector, we go to Indian Oil. And wherever we go. what kind of treatment do we get? Every day we discuss in Parliament what kind of a treatment We set from Indian Airlines or Air India authorities—Just because they have a monopoly. This monoooly is not under the control of the MRTP Act and there is no protection to the consumer.

[Shri Santosh Bagrodia]

So, what we need is a market economy. And, as we say better late than never. Now, not only has our country realized this, but all over the world this realization has come. At this point I would also like to refer to what an honourable Member, who is not present right now, has mentioned.

**श्री चतुरानन मिश्र** : बागड़ोदिया जी, टेलीफोन कनैक्शन के लिए हम लोग कमीशन के पास जायेंगे, आर्डर देगा तब काल मिलेगा । अगर आगे होगा ऐसा तो हम लोगों को कमीशन के पास जाना पड़ेगा, काल्ज मैटीरियालाइज्ड होने के लिए ?

**श्री संतोष बागड़ोदिया** : अच्छा, मैं आपको हिन्दी में समझा देता हूं, यह बात मिश्रा जी, आप जानते हैं कि हम एक-दूसरे के कितने दोस्त हैं, इसलिए मैं समझा रहा हूं, आपने अगर मेरी बात नहीं समझी टेलीफोन का मतलब यह हुआ कि आपको कमीशन में नहीं जाना पड़ेगा, लेकिन अगर आपका टेलीफोन एक महीने तक काम नहीं करेगा इसमें सुनाई ठीक से नहीं पड़ेगा, मेरी बात तो सुनिए.... (व्यवधान)

**श्री चतुरानन मिश्र** : सुन ली हमने आपकी बात, सरकार नहीं कुछ कर सकती है.... (व्यवधान)

**श्री संतोष बागड़ोदिया** : अब आप या तो मेरी बात कंप्लीट कर लेने दीजिए या मेहरबानी करके आप जैसे आपने अपने दिमाग में सौ वर्ष पुरानी बात दिमाग में रख रखी है उसी को रखे रहिए । यह तो आपकी मर्जी की बात है... (व्यवधान)

**श्री चतुरानन मिश्र** : सौ बरस तो हमारी उम्र नहीं है ।

**श्री संतोष बागड़ोदिया** : बातें तो आप सुनते हैं, हजार वर्ष पुरानी ? मिश्रा जी आप हमारे बुजुर्ग हैं, आपसे अनुरोध करना चाहता हूं कि आप एक सैकंड के लिए मेरी बात सुन लीजिए । मेरा मतलब यह है कि टेलिफोन चाहे प्रायवेट हो या पब्लिक का हो, मेरा उससे कोई संबंध नहीं है । आपने गलत समझा मेरा कहना है कि कंजूमर को क्या प्रोटेक्शन है ? मैं कहां जाऊं, किसको जाकर बोलूं ? आज अगर मेरा टेलिफोन खराब होता है तो क्या मैं मंत्रीजी के पास जाऊं या आफिसर के पास जाऊं ? वहां तो मुझे घुसने ही नहीं दिया जाता है । अब क्योंकि मेरे पास कोई दूसरा चारा नहीं है, मुझे वहीं जाना पड़ेगा चाहे वह काम करे या न करे । मैडम, अगर सारे मेंबर्स टेलिफोन के बारे में अपने अनुभव सुनाएं तो मेरी समझ में एक बड़ा वाल्यूम बन जाएगा कि उन्होंने टेलिफोन के लिए अपनी जिंदगी में क्या-क्या कष्ट भुगते ? मेरे साथ भी ऐसा हुआ है । एक मैकेनिक टेलिफोन लगाने आया और बोला कि पांच सौ रुपया चाहिए, आपको एक हफ्ते में टेलिफोन मिल जाएगा, नहीं तो दो महीने लग जाएंगे । अब मैं क्या करूं ? यह एक मैकेनिक कह रहा है और मेंबर आफ पार्लियामेंट को । ऐसा क्यों हुआ, क्योंकि उसकी मोनोपोली थी । मैं पब्लिक सेक्टर या प्रायवेट सेक्टर की बात नहीं कर रहा हूं । मैं नहीं चाहूंगा कि यहां भी मोनोपोली रहे... (समय की घंटी)

THE DEPUTY CHAIRMAN: The outer limit is three hours including the time for Chatuarananji and the Minister.

अगर मेंबर्स आज की बिजनेस को देखते हुए यह कोशिश करें कि हम जल्दी खत्म कर दें तो आप अपनी बात जरा संक्षेप में कहिए और मैं दूसरों से करवा दूंगी ।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Madam, we have decided in the last meeting of the Business Advisory Committee, to forgo lunch today and complete this. Before 2-30 p.m. we can complete this so that the Private Members' Business can be taken up. .....

THE DEPUTY CHAIRMAN: We have taken a decision in the Business Advisory Committee that we would forgo the lunch hour and not lunch.

SHRI MADAN BHATIA (Nominated) : Madam, may we take it that the voting will not take place before two o'clock, that up to two o'clock there will be no voting? I am only asking about it.

SHRI S. S. AHLUWALIA (Bihar): Up to two o'clock there will be no voting.

SHRI CHATURANAN MISHRA: The Minister of Parliamentary Affairs is asking us to forgo lunch today.

उप-सभापति : आप लंच का प्रबंध करवा दें तो शायद मैं जल्दी करवा सकूं ?

श्री संतोष बागड़ोदिया : मैडम, मेरे 8–10 मिनिट जो बातों में चले गए, उन्हें अलग रख लीजिए क्योंकि मैं आपको बता दूं कि मैं बोलना भी नहीं चाहता था, लेकिन जब मुझे विप ने कहा कि बोलो, तो मैंने पूछा कितनी देर बोलूं ? मुझे कहा गया कि जितनी देर बोलना हो बोलो और अब आप रिस्ट्रिक्शन लगा रही हैं ।

THE DEPUTY CHAIRMAN: I have got a right to restrict it.

बिल्कुल भले ही अमेंड हो जाए ही हो, लेकिन

The restrictive practices are still in my hands. So, with that restrictive practice, I do not permit you. I have the monopoly as the presiding officer.

SHRI V. NARAYANASAMY (Pondicherry); We agree on that.

श्री संतोष बागड़ोदिया : मैडम, मैं चाहता हूं कि आप मुझे प्रोटेक्ट करें । मुझे आज दोबारा ऐसा मौका मिला है कि जब कहा गया है कि मैं आराम से बोल सकता हूं, उस पर भी आप रिस्ट्रिक्शन लगा रही हैं । यह मैं बोलने जा रहा था । आप जितनी देर के लिए कहेंगी, उतनी ही देर बोलूंगा ।

Madam, I have mentioned about these two points, that the important things in this Bill are the extensior of the MRTP Act to the public sectoi and giving a free hand to the private sector to enter into the core sector

Mr. Jyoti Basu whom I admire not only as an individual but also as 8 practical person, has told the members of the Assocham that the private sector also could enter into the core sector. This is the gist of what he has told the Assocham members. Why did he nay that? He has his own experience. What has happened to the Bakreshwar Plant in West Bengal? The Bakreshwar Plant has not come up. God knows when it will come up. It is just because we were having absolutely wrong planning. Madam, what we should have, is this. I will rather suggest that we can change the name of this Bill. Instead of "MRTP" we can say, "Restrictive Trade Practices."

1.00 P.M.

SHRI SANTOSH BAGRODIA: That is the most important thing.

SHRI VITHALBHAI M. PATEL (Gujarat):Why include 'restricted'.? Just say 'Trade Practices Act'.

SHRI SANTOSH BAGRODIA: My colleague says: Don't put 'restricted'. Just say 'Trade Practices Act'. I don't mind.

[The Vice-Chairman (Dr. Nagen Saikia) in the Chair]

I am very grateful you have come, because she was very hard on me.

[Shri Santosh Bagrodia]

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): I am also not a soft man in this regard.

SHRI SANTOSH BAGRODIA: Before I go into more details of the MRTP Act, I would like to say this

thing. The hon. Member, Shri Dipen Ghosh, mentioned about the flag on the Russian Embassy.

SHRI VITHALBHAI M. PATEL: Don't waste your time.

SHRI SANTOSH BAGRODIA: He mentioned Czar. I am only trying to show the kind of their mental thinking. I cannot understand from where Czar has come in on whatever flag you talk of. If people have that kind of a narrow mind, naturally they are not interested in the development of the country; they are not interested in the power to the people. What they are interested in is the monopoly of their political power. This is what I want to mention. They are only interested in West Bengal, not in any other country in the world. Only a few people want to control the political power, the economic power and the judicial power. They don't want to hand over any power to the masses. They say they are doing it in the name of the masses, but everything is in the hands of the few people. That is where their mind has become absolutely narrow.

I will now just refer to a few points. Mishra Ji has left after listening about telephones. He said that this is a capitalist manifesto. Communists had good relations with Indira Ji. We thought we still have good relations with them, but it is the Communists who have changed. They shook hands with the BJP; they joined hands with the National Front. As an opportunist party they joined hands with everybody and anybody when it was to their convenience. He mentioned about Indira Ji. That is why I mentioned about it. It is they who did it. We are where we were. If they had not changed themselves. India would not have seen what they are seeing now. In one and a half years whatever has happened would not have happened.

He also said that this would affect the Parliamentarians. If we have economic powers, it will affect the Parliamentarians. When I was a child I used to hear this. The mother of a child will go to the mother of another one and say: Your child is making my child bad. It is like complain ing. But you can't control yourself. If you think the Parliamentarians are so weak that because of money power Parliamentarians can be controlled, I am sure it is not a correct statement, because Parliamentarians are very important people. Nobody on Earth, especially in our country, can control the Parliamentarians howsoeyer moneyed people they may be. We need economy of plenty. We do not need economy of shortages. We are working in the economy of shortages. That is why we need the tedious pub lic distribution system. Because there is Mortage, everything is con trolled; and when everything is con trolled, we have blackmarketing. This happens in a natural way. When there is enough demand, no supply, the prices will go up. This is a mat ter of commonsense. I cannot under stand why my friends on the other side don't understand it. We can dis tribute if we have plenty. If there are three mangoes and there are four people, everybody cannot get a mangn. It is so simple. But they say they will produce only three man goes. The second point is that our friends like to produce whatever they want to produce. They don't want to produce what the market wants them to produce. This is where the eco nomy has gone wrong. We want this kind of soap. They say no, the Government sector will produce this kind of soap. You have it or leave it. This is their attitude. We are saying the times have changed and we have to produce what the market wants, that the consumer wants.

What the consumer needs is quality goods at reasonable price. This is the whole crux of the MRTP Act. This is being amended so that the consumer cannot only have protection but they can also get what they want.

Sir, public sector is not a subject matter for discussion in this Bill. But if the public sector starts producing oil, tea and soap, what is going to happen?

Mishraji mentioned about the pre-entry conditions. I have no objection to it. We can still discuss about it. If he comes with an amendment, if he has got a good idea and if something really wrong has happened, this Bill can still be amended. He only wants to stall the development of the country for which I seriously object. So I request the hon. Member, Mishraji to give a specific point to the hon. Minister. I am sure he will consider it. If there is anything wrong in the pre-entry condition, we can rectify it.

He also mentioned about the development of backward areas. I am equally interested in the backward areas. I am always against giving any kind of subsidy to anyone including industrialists. If you give a subsidy of Rs. 1 crore to a person to put lip anything far way, in a distant area, nobody is prepared to go there because there is no infrastructural facilities available there. So the Government's duty is to govern but not to produce. They should go to far away areas and develop infrastructural facilities. People will go on their own. Why do you want to force the people to go there in unnatural way? Then those industries would become sick and you start handing them over to somebody. Then the Government's money, public money and all the money goes down the drain. So no backward area will develop.

Sir, we need a premium on efficiency but no premium on inefficiency.

Sir, he also mentioned about the social tensions due to poverty. We need to produce more. If you produce more, there will be no social tension. *(Time bell rings).* I am just trying to go as fast as I can. Just give me a few minutes.

The hon. Member mentioned about the cost of production and the price control. Why do you need price control? When there is plenty of everything, there is no need for price control. Prices can be automatically controlled according to the availability of goods. He can see the cost of production. If he does not understand about it, I don't blame him. If he does not know how to calculate the cost of production, how to see a balance-sheet of a company, I will help him.

I will tell you about a small story of a colliery. A particular colliery was owned by four brothers. This colliery was nationalised. Then three brothers left the colliery. One brother continued as the General Manager of that colloiery because he was actually in the employment records of the colliery. He continued in the Government colliery also. When I met him, he said "I am the happiest person because I make same amount of money today. I don't have to pay any tax. I don't have to share with my brothers. The most important thing is, I have no more accountability. What more do I want." This is what has actually happened. The result of this is, coal which used to be sold for Rs. 30 per tonne is now being sold at Rs. 1000 per tonne with 50 per cent ash content.

I will also give a small example about Air India. You will be interested to know about it. The MRTP Act is applicable to Air India also. But the people sitting in the MRTP organisation are only Judges. I want experts and social workers to be included in the MRTP. It is not a question of only the judiciary who know what is MRTP. What have they done? I have raised this point to the hon. Minister. He is sitting

[Shri Santosh Bagrodia.l here. Of course, I have written to the senior Minister. So far I have not yet received any reply. I have written to him: "What is this MRTP?

The MRTP is putting restrictions on bad trade practices within the country, for the country. Or is it meant to see that Air India cannot compete... *(Interruptions).*

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly don't stand between the speaker and the Chair. It does not look nice.

SHRI SANTOSH BAGRODIA: Sir, Air India which is a public-sector organisation is the only public-sector organisation which has to compete in the world market. They introduced one Mahalakshmi Scheme or something like that against the British Airways' scheme of; lottery. The MRTP came in their way. What sanctity have they to stop an Indian company competing in the international market? The result is, Air India is in trouble. What kind of of an Act we are having in this country and what kind of people are looking after this kind of a set-up! The hon. Minister should take this seriously. This kind of things, by which our own companies competing with foreign companies are suffering, should not happen.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly conclude.

SHRI SANTOSH BAGRODIA: Sir, I am very much for the joint sector. All the companies in the country today are in the joint sector in real terms. I will give only two examples. One is, about 18 years ago, Hindustan Lever wanted to start growing palm trees in the Andamans That was not allowed because it came under the MRTP, it was a multinational company and all that. The result is, today India is the largest importer of edible oil. If 18 years ago. that was allowed, there would have been no need to import edible oil required for the poorest of the poor in the country. This is what was required. Sir, what is happening in the steel sector? The TISCO was not allowed to expand. I have nothing to do with the Tatas. I have no relationship with them. But the fact remains that the industry needs a particular viability and for that viability we need a scale of economy, a particular capacity, one million tonnes. But that was not allowed. On i the question of competition, in my opinion, the TISCO is the most inefficient because it is competing with the most inefficient public sector in the country. That is not efficiency.

So. Sir, this Bill is the right Bill which should have come into being by now.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Now, you conclude. It will be difficult for mc to permit to take more time.

SHRI SANTOSH BAGRODIA: This is my final point, Sir. Even in developed countries, it is the protection of the consumer which is most important. I still request the hon. Minister to do this. Along with this Bill, he must add one more special Bill which should be brought or there should be some kind of an amendment by which the consumer would be thoroughly protected either in respect of essential commodities or even in respect of cars or scooters or consumer goods. The consumer has the right to have that protection because it is the consumer who gives the economy the real boost.

With these words, I thank you very much for giving me this opportunity to speak on this subject. I support the Bill to be passed immediately.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA). I have been told that Mr. P. Upendra is sick and he has to go to the doctor. Therefore, I call him now to make the speech so that he can go to the doctor. Shri Upendra. Your time limit is eight minutes.

SHRI P. UPENDRA (Andhra Pradesh): Sir, this is a half-hearted measure and does not meet the exigencies of the situation. This Amendment Bill is supposed to be a follow-

up action on the recently announced Industrial Policy and liberalisation measures that followed it. But I do not think this Bill serves the purpose. The original purpose of constituting the Commission was that public faith and confidence would be reinforced if the control of monopolistic trade practices is entrusted to an independent agency rather than in retained by the Government. But I do not think the functioning of the Commission during the last few years would justify that confidence. Are you listening, Mr. Minister?

THE VICE-CHAIRMAN (DR. NA-GEN SAIKJA): Mr. Minister, he is drawing your attention

SHRI P. UPENDRA: Are you listening to what I have said?

SHRI RANGARAJAN KUMARA-MANGLAM: Of course.

SHRI P. UPENDRA: I do not know how many references were made by the Government to the Commission during the last few years. I hear not many references were made. Does it mean that there were no monopolistic trade practices at all during the last few years? He should explain that. That means the Government has been closing its eyes on the matter of curbing the monopolistic trade practices. Even now, the Government has retained the power, for example, to control, to direct diversion, of undertakings etc. under sectjon 27 of the MRTP Act, that is, "the power to pass cease-and-desist orders in respect of the MTP-" is still being retained by the Government. The retention of such power by the Government may retard the inflow of the NRI investment also in future and that has tp be taken care of.

Then the quasi-judicial authority like the MRTP is best suited to curb the malpractices because they have the powers to pass orders of injunction and award compensation in respect of the MTPs. Therefore, it is necessary to arm the Commission with such powers rather than retain such powers with the Government

In view of the enlargement of the scope of the Commission now, the name of the Commission should be changed. In many countries like Britain, Japan, South Korea, they are called "Fair Trade Commission for Pair Trade Practices or Fair Business Practices". Therefore, I think the name of the Commission also should be changed because Chapter III itself is being deleted. (Iwtemip-*tions).* Then the responsibilities of the Commission hereinafter will increase because you are bringing a new definition of goods and services within its ambit. Therefore, the strength of the Commission also will have to be increased. So far, I think the sanctioned strength was only four including the Chairman, and *1* believe the post of Chairman and one Member are vacant. Only two Members are working and these two Members are having a legal background. The problems dealt with by the Commission relate to the economy, law, commerce, accounts, industry, public affairs and administration. So many aspects have to be dtealt with by them. Therefore, the Members should be drawn from various disciplines instead of only from the legal prefes-sion and the number of Members also should fee increased to deal with the increasing, lead.

Another point which I would like to make is that this is all centralised in Delhi. There should be regional offices of the Commission and particularly, they can start with metropolitan cities. They can extend later to the State capitals. But this should be decentralised and the Commission should have regional offices also. The Minister should also explain why Sikkim and Jammu and Kashmir have been exempited from the purview of this Commission. That also you will have to explain. Then the other facilities which the Commission needs also have to be provided commensurate with the status of the Commission. It has ho building, it has no proper office and it doesn't even look

[Shri P. Upendra]

like a small district office. Therefore, it should be strengthened. Then it should have an economic intelligence wing so that they can collect inform ation and watch the market behaviour and see that the orders passed by the Commission are not vi.)tr : For that purpose they should have an eco nomic intelligence wing also attached to the Commission so that it could act as a watchdog of the Commission. The National Consumer Redressal Forum has been assigned certain duties, so also the MRTP Commis sion. There is an overlapping of the functions of the two Commissions. There is some duplication also and I think the hon. Minister will see that the spheres of powers and work ing are completely demarcated bet ween the two.

My last point is this. As the National Consumer Protection Council has women members, this MRTP Com mission also should have some representation for women * because it has also to deal with certain matters re lating to them.

SHRI VITHALBHAI M. PATEL: Mr. Chairman, Sir, I support this Bill, because , it is overdue. After liberalisation this "restrictive' word should be removed. It is not necessary that we should continue it now. Another thing I want to say—Mr. Upendra has also mentioned it— is that there are only two members who are working at present. There are six vacancies. There is no Chairman So the Government should immediately nominate more members on the Commission and not only retired nidges nominated, but some represent-tives of the Consumer Protection Forum and some women members should also be nominated there. In this Bill you have given the power to the Commission to give punishment. That is also good. Up till now the Commission has no teeth. Now you are giving it teeth, but one question I "Want to know from the Minister: If the Commission itself practises unfair trade practices. what will he do? The Commission has taken on rent a Kerala Government building 20 years ago. The Kerala Government badly wanted it back. Even the late Prime Minister, Mrs. Indira Gandhi, in this House in 1984 assured that the MRTP Commission would vacate it, but even today it has not vacated it. Twenty years back the rent was Rs. 16,000 for such a huge building. The rent is the same. Is it not an unfair trade practice? At least .the MRTP Commission should not do such unfair trade practices. They should immediately vacate it. Even the Law and Justice Minister also told us in the House that they were vacating, but they have not yet vaca ted. Now the Kerala Government is thinking of going to the National Com-sumer Disputes Redressal Commis sion. This will not give a good name to the MRTP Commission. One thing I would like to say is that even pub lic sector undertakings should not be allowed profiteering. In America there is Federal Trade Commission, in Europe there is Trade Practice Authority; we should also have some type of authority which should look after the interests of the consumers .

Now, the liberalisation policy is a good policy and there will be mass production which will be for the benefit of the consumers. My letfist friends are frustrated because of the collapse of socialism. They seem to be frustrated. Why has socialism failed? Because of bureaucratic control and because of bureaucratic control even Russia has failed in development. .In our country also excessive bureaucratic control is there and because of that our country is suffering. Even today it is there.

SHRIMATI KAMLA SINHA: Sir, I am on a point of order. I have an objection. Socialism, as a theory, has not failed: Socialism in practice in some countries may have failed.

SHRI VITHALBHAI M. PATEL: In practice, it has failed.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): That is his opinion. There is no point of order.

SHRI VITHALBHAI M. PATEL: It has collapsed. It has fallen.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Yours is not a point of order. That is his opinion. He is giving his opinion.

SHRI VITHALBHAI M. PATEL: It has fallen. Now, the MRTP Commission should have offices in Bombay, Calcutta and such other cities also. Why should all the people come here? Suppose a consumer wanted to file a complaint he has to come to Delhi. So, you please have branches elsewhere also and, if neces-sray, increase the number of members so that you can serve better. Today, there are about, if I am not wrong, 650 companies coming under the MRTP Act. Now, Mr. Minister, after this liberalisation and after this amendment, how many companies will remain unaer the MRTP Act? After the change of the definition many companies will go out of MRTP control.

SHRI CHATURANAN MISHRA: All the companies will go. How can there be anyone?

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Please carry on.

SHRI VITHALBHAI M. PATEL: Then the Commission's work will be very much reduced. If there is an excess billing of telephone and if you go to the Mahanagar Telephone Nigam, nobody listens to it. The Mahanagar Telephone Nigam does not listen to that. This MRTP Commis-mission is also not going to give justice to the consumers. If you go there and say that there is an excess billing they wouldn't give you justice. Even today I have a complaint against ONGC. They are increasing the price of gas day by day. Ultimately the power will be costly, the fertiliser will be costly. The price of gas has been increased accepting the Kelkar Commission's report. Now, it will be difficult to produce electricity even by gas and the price of fertiliser will also go up.

SHRI JAGESH DESAI: Now, it will go to the MRTP Commission.

SHRI VITHALBHAI M. PATEL: I am telling you MRTP Commission wouldn't do anything. Those two judges who are sitting there do not give justice to the complainants even today. If somebody goes there and says that this is an unfair trade practice, they will say, "you go to the Restrictive Trade Practice; it comes under Restrictive Trade Practice; it does not come under that practice." So, this Commission is also trying to avoid listening to complaints. So, please look into the functioning of the Commission also. Please see that the Commission listens to the com-plaints. The Commission must listen to them and they must give justice to them. Thank you.

श्री संघप्रिय गौतम (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, हमारे कुछ साथी इस विधेयक का समर्थन कर रहे हैं और कुछ साथी इस विधेयक का विरोध कर रहे हैं । लेकिन हमारी स्थिति क्या है, उसके संबंध में मैं एक शेर अर्ज करता हूं :—

चुप खड़े हैं दरमियाने काबओ बुतखाना हम,
किसको कह दें कैसे कह दें क्यों कह दें,
अफसाना हम ।

क्योंकि कुछ के सामने सवाल है पूंजीपतियों के हित का और कुछ के सामने सवाल है मजदूरों के हित का, मगर हमारे सामने सवाल है राष्ट्र हित का और जब हम राष्ट्र हित की बात करते हैं तो हमारी स्थिति साफ है कि हम इन दोनों साथियों के दरमियान खड़े हैं । मान्यवर, .... (व्यवधान)....मन मंदिर पहले बनाना चाहते हैं मगर वह मंदिर भी बनेगा ।

[श्री संजय गौतम]

मान्यवर, हमारी स्थिति यह इसलिये भी है क्योंकि हमारे सामने भारत का संविधान है और संविधान में दोनों ही तरह के प्रावधान हैं जो हमारे देश के विकास और देश के कल्याण से संबंधित हैं । मेरे साम्यवादी भाई शायद प्रसन्न होंगे जहां हमारे संविधान की प्रस्तावना में भारतवर्ष में एक समाजवादी व्यवस्था के निर्माण की बात कही गयी है । वहीं पर संविधान निर्माताओं ने मौलिक अधिकारों की धारा 31 में सम्पत्ति का जो अधिकार रखा था, हमने उसको भी समाप्त कर दिया है । दूसरा, संविधान की धारा 38 में कुछ ऐसी सामाजिक व्यवस्था की कल्पना की गयी है जिससे सारे देश का कल्याण हो सके । जब हम इन तीन धाराओं को देखते हैं तो हमारे सामने पूंजीवाद के विस्तार और विकास के कारण एक भय का वातावरण उत्पन्न होता है और पब्लिक सेक्टर को बढ़ावा मिलकर लोगों को रोजी मिले, उत्पादन बढ़े इस बात की कल्पना बलवती होती है । लेकिन मान्यवर, दूसरा प्रश्न हमारे सामने इस देश की अर्थ-व्यवस्था और महंगाई का भी है । महंगाई की मार का बोझ इस देश के करोड़ों लोगों के ऊपर है, यह परिस्थिति भी हमारे सामने है । एक और बात, हम हमेशा से चर्चा करते चले जा रहे हैं अनेकों विषयों पर । लेकिन इस सदन में बार बार चर्चा होती है देश की अर्थ-व्यवस्था और महंगाई की । यह एक बड़ी गंभीर समस्या है । मान्यवर, मैं इन मूल बिन्दुओं को ध्यान में रखते हुए इस सदन के समक्ष अपने विचार प्रस्तुत करूंगा ।

मान्यवर, मंत्री महोदय ने जब इस विधेयक का उद्देश्य प्रस्तुत किया तब उन्होंने केवल एक ही बात पर वजन दिया कि वह उत्पादन बढ़ाना चाहते हैं । .....(व्यवधान).....मंत्री जी आपने केवल जोर दिया उत्पादन बढ़ाने के ऊपर, म आपसे जानना चाहता हूं कि आप कैसा उत्पादन बढ़ाना चाहते हैं और क्यों उत्पादन बढ़ाना चाहते हैं । अगर आपकी मंशा यह है कि उत्पादन उन चीजों का हो जिनका हम निर्यात कर सकें और दुनिया के अन्य देशों के मुकाबले कंपीटीशन में हमारा माल विदेशों में जाय और सस्ते दर से दुनिया के बाजारों में बिककर देश के लिये विदेशी मुद्रा लाये तो मैं आपकी इस भावना की कद्र करता हूं । लेकिन आपके ये बड़े उद्योग, मंझोले और छोटे उद्योगों का काम भी छीन लें जिनकी पैदा की हुई चीजों का उपयोग इस देश का गरीब उपभोक्ता अपने दैनिक जीवन में करता है, तो मैं आपकी इस भावना से सहमत नहीं हूं । मान्यवर, हमारे आज जो भय निजी उद्योग के बारे में है वह बिल्कुल स्वाभाविक है । निजी उद्योगों ने उन चीजों को भी बनाया है जिन चीजों को छोटे उद्योग पैदा करते हैं। गांधी और नेहरू की फिलास्फी थी कि कुटीर उद्योगों को बढ़ावा दिया जाय । लेकिन आज ये कुटीर उद्योग समाप्त हो गये हैं । मैं आपको ध्यान दिलाना चाहता हूं कि गांव के अन्दर कुम्हार के अलावा कोई बड़ा पाटर नहीं है ।

पौटरी उसका निजी उद्योग धन्धा था लेकिन आज पोटर इस देश का बड़ा पूंजीपति है जिसने उसका धन्धा छीन लिया है । इस देश में जूता बनाने वाला गांव का जो मोची है उसका जो निजी धन्धा था उसको आज केरोना और बाटा ने, इस देश के पूंजीपतियों ने छीन लिया है। इस देश का लकड़ी का काम करने वाला बढ़ई जिसके हाथ में पच्चीकारी की कला थी जिसका नमूना हमारे इस सदन के अन्दर भी नजर आता है, जिसे इस देश के पूंजीपतियों ने अपने जीवन में कभी बनते हुए देखा भी नहीं होगा लेकिन आज उनका यह धन्धा छीन लिया गया है। बड़े-बड़े कारखाने वालों ने, उद्योगपतियों ने इन कुटीर उद्योग वालों को बेघर और बेरोजगार बना दिया है । इसलिए हमारे मन में यह भय पैदा होना स्वाभाविक है । दूसरी बात यह है कि इस देश के बड़े पूंजीपतियों ने उद्योगों में से पैसा कमा कर के इस देश की धनराशि को विदेशों में भेज दिया है। तीसरी बात यह है कि यह मनमाने ढंग से अपने द्वारा उत्पादित वस्तुओं के दाम निर्धारित करते हैं जिसमें मुनाफाखोरी की मात्रा बहुत ज्यादा होती है, जिससे बाजार में चीजें महंगी बिकती हैं और महंगाई बढ़ती है। इसका बोझ गरीबों पर अधिक पड़ता

है। चौथी बात यह है कि यह लोग जमाखोरी भी करते हैं। और भी अनेकों मिसालें हैं जो मैं आपके सामने रख सकता हूं। हमारे साम्यवादी या समाजवादी साथियों को भय होना स्वाभाविक है लेकिन मान्यवर, यह भी न भूलें कि आज पब्लिक सेक्टर में जो हीनता आई है, जो गिरावट आई है, भ्रष्टाचार पनपा है, आज यह घाटे में जा रहे हैं क्योंकि इनके ऊपर कोई अंकुश नहीं है। इससे भी देश के उत्पादन और अर्थ-व्यवस्था पर बहुत बुरा असर पड़ा है। इसलिए मेरा कहना यह है कि कम्पीटीशन और स्पर्धा की भावना पैदा हो तब इस विधेयक को लाना सार्थक सिद्ध होगा। पब्लिक सेक्टर और निजी क्षेत्र में स्पर्धा हो, दोनों में कम्पीटीशन हो, यह अच्छा और बढ़िया माल पैदा करें, अधिक उत्पादन करें और विदेशी मुद्रा कमायें, निर्यात करें, वहां तक इसके पीछे जो भावना है, वह ठीक है लेकिन इस विधेयक का उद्देश्य एक और भी होना चाहिए जैसे माननीय श्री साल्वे जी ने स्वीकार भी किया है कि अब तक हम ब्यूरोक्रेट्स के इशारों पर चलते रहे लेकिन अब उनके चंगुल से निकलना चाहते हैं चलिए देर आयद दुरस्त आयद। चाहे पूंजीपतियों को नये उद्योग लगाने और विस्तार करने आदि में बाधायें थी लेकिन वह रिश्वत दे कर के राजनीतिज्ञों को खरीद कर के किसी न किसी प्रकार से नये उद्योग लगा ही लेते थे और विस्तार कर ही लेते थे। इसलिए इस विधेयक का उद्देश्य यह भी होगा कि इससे पोलिटिकल करप्शन समाप्त होगी। उस पैसे को राजनीतिज्ञ चुनावों में खर्च करते थे। यह इसलिए राजनैतिक करप्शन को समाप्त करना भी उसका उद्देश्य होना चाहिये। इसके अतिरिक्त मैं कुछ सुझाव देना चाहता हूं क्योंकि मेरे पास इतना समय नहीं है, जो पूरी बात कह सकूं और आप घंटी बजा देंगे। इसके इलावा गुण, दोष तथा जो विधेयक के प्रावधान है, मैं उसमें नहीं जाना चाहता हूं। अगर आपकी मंशा यह है कि उत्पादन बढ़े तो आपको इसके साथ-साथ यह भी ध्यान देना पड़ेगा कि जहां हमारा देश विकासशील देश है वहां एक कल्याणकारी राज्य भी है। लोगों को रोजी भी मिले। इसलिए पब्लिक सेक्टर और प्राइवेट सेक्टर दोनों के ऊपर आपको अंकुश लगाना होगा और कुछ स्टेप लेने होंगे। इसके लिए मेरे कुछ सुझाव है। इन सुझावों के साथ ही मैं अपनी बात समाप्त कर दूंगा। जब आप इन निजी उद्योगों को लगाने के लिए खुले मैदान में छोड़ेंगे तो इनको आप बाध्य करें कि यह उस क्षेत्र में उद्योग लगावें जो पिछड़े हुए क्षेत्र हैं। दूसरा, इनके प्रशासन में, व्यवस्था में, मेनेजमेंट में मजदूर भागीदार हों। तीसरा, उन उद्योगों में सरकार के प्रतिनिधि भी हों। चौथा, जिस तरह से एग्रीकल्चर प्राइस कमीशन होता है उसी तरह से इंडस्ट्रीयल प्राइस कमीशन की स्थोपना हो जो इनकी लागत के हिसाब से उत्पादित वस्तुओं के मूल्य निर्धारित करे। पांचवां, यहां बड़े उद्योग केवल वही चीज बनावें जो विदेशों को निर्यात हो जिससे हमारे देश में विदेशी मुद्रा आवे छठा, अपने देश की धनराशि को विदेशों में जमा न करें। साथ ही साथ जो आपका पब्लिक सेक्टर है यह आज चूंकि बीमार है इसके बहुत से कारण हो सकते हैं लेकिन क्षमा करेंगे हमारे आज के शासक जो पुराने शासक भी इस देश में रहे हैं, ज्यादातर पब्लिक सेक्टर के उद्योग इसलिए फेल हुए हैं क्योंकि इनके मुखिया और प्रबन्धकों पर कोई जिम्मेदारी नहीं डाली गई।

उन पर रिस्पांसिबिलिटी नहीं डाली गयी और दूसरा जो उनकी नियुक्तियां हुई वे उनकी क्षमता योग्यता के आधार पर पर नहीं कर बल्कि पोलिटिकल आधार पर और रिश्वत लेकर हुई। इसलिये यह पब्लिक सेक्टर घाटे में जा रहा है (व्यवधान) अगर सक्षम, योग्य लोगों को उनके गुणों के आधार पर, यह जिम्मेदारी ठहरा कर कि आप भले ही इसके मुनाफे में से हिस्सा ले लेकिन आप दौलत न खायें, बदौलत खायें। यह बड़ी टेक्निकल बात है यानी आप मिल न खाइये मिल की इतनी पैदावार बढ़ा दें फैक्टरी का मुनाफा इतना कर दें कि उसमें से आप भी ले लें और मजदूरों को भी बोनस मिल जाय। बदौलत की मेरी मंशा यह थी। इसलिये मैं चाहूंगा कि आप इस पब्लिक सेक्टर में सारी नियुक्तियां, क्षमता, योग्यता, अनुभव

[श्री संघप्रिय गौतम]

के आधार पर करें और इनके प्रबंधकों की यह जिम्मेदारी ठहराएं कि पब्लिक सेक्टर को ऐसा नहीं कि इसे ऐसी दिशा में ले जायें जहां ये समाप्त हो जायें, तभी तो हमारी कल्याणकारी राज्य की कल्पना साकार होगी जिसमें रोजी, रोटी, कपड़ा, मकान, शिक्षा, दवा और सम्मान आदि जो ये आवश्यक चीजें हैं प्रत्येक नागरिक के लिये मिलेगी और रोजी तो सबसे पहले नम्बर पर आती है – वह पूरी हो सकेगी। वह न खत्म हो जाय (समय की घंटी) इसलिये मान्यवर, मैं इस निवेदन के साथ अपनी बात को समाप्त करूंगा कि देश की आर्थिक स्थिति को हमें सुधारना है तो उत्पादन वास्तव में बढ़ाना है। देश के अन्दर जो महंगाई, बेरोजगारी और गरीबी बढ़ रही है उसके लिये रोजगार देने के लिये हमें अधिक से अधिक रोजगार के क्षेत्र स्थापित करने हैं इसलिये पब्लिक सेक्टर को भी जिंदा रखना है। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA); Shri Jagesh Desai. I think you will be very brief.

SHRI JAGESH DESAI: Mr. Vice-Chairman, Sir, first of all, I fully agree with the Law Minister regarding the objects of the MRTP Act. The basic philosophy behind the MRTP Act was never to inhibit the growth in anv manner but to ensure that such growtn is channelised for the public good— I stress on the word 'public good'— and is not instrumental in perpetuating concentration of wealth to the common detriment. I will restrict my observation mostly on these two points. I am not against growth. We all desire that there should be an increase in production and the people should get the goods of mass consumption at a very reasonable price. I am of 3 very firm opinion that if any industry produces beyond their licensed capacity, they should foe allowed. And that will bring down the cost of production. I agree,to that, But I am also of the opinion that the MRTI companies which will be allowed to have a new investment are only going to produce the goods where then is a high margin of profits. They wil establish industries in such places which they feel will be of advantage to them. That is why, on these two things, that is, as regards location bo the MRTP companies and the type of goods produced, there should be some restriction. If they, are given the full freedom to produce any goods then they will produce mostly the durable goods and not the goods of consumption. This is where I feel that something has to be done, that is, on these two issues; one, regarding location and two, regarding the type of industries.

About growth we are all agreed. But what type of goods are to be manufactured by them? If that also is left to them, then I think the purpose for which we are making these provisions will be lost. We want that the people should get mass consumption goods at a very reasonable price. That objective we will not be able to achieve if the type of goods to be manufactured is left to them.

As regards prices, I have seen the definition of 'unfair trade practices' and also of 'monopoly trade practices'. They are very exhaustive. No doubt about it. As regards the definition of monopoly trade practice, in the earler Act it was said, "increasing unreasonably the prices at which goods arel may be sold, or charges at which services are/may be provided". If they are unreasonably increased, then it is a monopoly trade practice. Now, how are you going to stop it? Have you ever defined what should be the margin of profit on the goods which are manufactured by these MRTP companies? When we talk of market economy, I think the Government's policy is that we want the prices to be decided by the market forces. If that is so, how are you going to take action against them? Mr. Minister, you assured me when there was a question

in the House and I gave you two examples— one was regarding Colgate toothpaste and the other Lux soap— where the margin of profit was more than 100 per cent. To really implement your desire, that is. Government' desire—and that is the desire of the whole House—that there should not be any profiteering, what are you going to do, how are you going to avoid profiteering? According to me, so long as you don't fix the margin of profit—you can have a study made by the Bureau of Prices— I think the whole purpose will be lost. We have to guard the interests of the consumers. There will be a lot of litigation. In all cases they will say this is not reasonable, that is not reasonable. So we have to define that this would be the margin of profit for a particular product by a particular industry. Unless that is done, i think the purpose will not be served.

Then, I am happy that you have amended Section 48C making the penalty deterrent. I am very happy about that, that you have done it. I compliment you, Mr. Minister, on that. You have made the penalty under Section 48C deterrent. No doubt about it. Earlier it was for the court to decide what the penalty should be. Imprisonment was up to three years. Now you have mad$_e$ it statutory that there should be minimum imprisonment of six months. Earlier the fine was Rs. 10,000. Now you have made it Rs. 10 lakhs. Here in the second case, why don't you also fix the minimum fine? They are all very big companies. A fine of even Rs. 10 lakhs is nothing for them. They will pay it. Why don't you take the fine very deterrent? And make it compulsory for the court to award imprisonment. Mr. Law Minister, there were these provisions earlier also though they might not be so deterrent as you have made them now. How many of them have been proceeded against? How many of them have been sent to jail? I do not Chink that you are going to gain anything by this and that is what personnally feel. But if you fix the margin of profit, you can correct the things; otherwise it will not be possible at all.

Then, unfair trade practice also has been denned. In how many cases has prosecution been launched so far? I think not much has been done in this regard. In this connection, I would like to mention one thing. I am the one person who will not blame the bureaucracy for everything. I do not blame them. If something goes wrong, one complains that the bureaucracy is doing it and all that. In that case, what is the Minister doing? After all, ultimately, it is the Minister who is responsible for the actions of his department . If the Minister is inefficient and if something happens, then you blame the bureaucracy. I do not believe in that. You give more taeth to the MRTP Act itself and see that it is implemented properly.

Now, the Government has opened the floodgates, whether you like it or not. I do not know whether many in my own party would like it or no*. I do not know about. No doubt, this is a new experiment and the Government is experimenting. So, let us wait for the results, let us see the results. Then, there was a decision with regard to the size of the industry, its capital, its assets, etc. As regards the size of the industry, I am not bothered. I am not bothered at all. I am only bothered about the question whether it serves the interests of the consmers, whether it achieves the purpose for which it was enacted. For achieving that purpose, what action plan has the Government got-I am very happy that the Minister assured me at that time that even in the Company Law, many things like tooth paste, etc. were not covered for the purpose of balancing the profit and loss and that he wanted that to he included. But here is the question of margin of profit. When you talk of market economy, what you are now saying is absurd. Once you say thai it is the marfeet aaonamy, they will

[Shri Jagesh Desai]

say that they face competition and this is the price and if somebody wants to buy it Or not, it is for him to decide, and so on. That is why I say that this kind of double-thinking on the part of the Government is not good. You cannot talk about market eocnomy and yet impose restrictions on the price. I do not know how you can do it. That is why I say that the Government must make it very clear. Whatever may be there, profits should not be allowed to go beyond a limit and that is our concept of monitoring and if anybody is making profits over and above a certain limit, then he will be sent to jail by the court. Only if these things are done, you can achieve the purpose you have in mind. Otherwise, this will only be a futile exercise. I, therefore, urge upon the Government to look into these aspects and take appropriate action so that the consumers' interests can be protected. Thank you, Sir.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA). No, Shri Ram Awadhesh Singh. He is not here now. Yes, Mrs. Mira Das.

SHRI MIRA DAS (Orissa): Mr. Vice-Chairman, Sir, I think you very much for having allowed me a few minutes to speak on this Bill. I would like to give some suggestions regarding the working of this Commission.

My honourable friend, Shri Upendra, said that as in the Consumer Protection Forum, here also there should be one lady member in the MRTP Commission. So, I would like to request the Minister to take note of this suggestion and act accordingly. The office of the Commission should not be only in Delhi. It should be decentralised and it should be in some other cities also, so that the common people can have access to the Commission.

Then the activities of the Commission should not be overlapping with the Consumer Protecton Act.

Thank you.

SHRI RAM AWADHESH SINGH: Sir,..:

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA); When I called you, you were not there. So you have for-fieited your time.

SHRI RAM AWADHESH SINGH: I was told that I would be called after two persons have spoken. I went out and came back.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA).. You have forfeited your time. I called you. You were not present.

श्री राम अवधेश सिंह : सर, हमको दो मिनट दे दें।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : टाईम दे दीजिये, सर। (व्यवधान)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Okay. Make your points in two minutes.

श्री राम अवधेश सिंह। उपसभाध्यक्ष महोदय, मैं अपने समय के हिसाब से यह कहना चाहता हूं कि अगर यह सरकार 1956 की औद्योगिक पालिसी को ठीक से चलाती होती तो आज देश की यह दुर्दशा न होती, देश की अर्थ-व्यवस्था को बहुराष्ट्रीय कम्पनियों के हवाले गिरवी न करना पड़ता और (व्यवधान)

एक माननीय सदस्य : आपने भी राज किया है । . . (व्यवधान) . .

श्री राम अवधेश सिंह : दो साल में चालीस साल का पाप तो नहीं धोया जा सकता न है

तो, मान्यवर, अगर यह इंडस्ट्रियल पालिसी के ऊपर अमल किया गया होता तो आज यह दुर्दिन देश को न देखना पड़ता और मोनोपोली हाऊसेस की वकालत करने की जरूरत इनको यहां न पड़ती, लेकिन आज इन्होंने सरेंडर कर दिया है, मोनोपोली हाऊसेस के सामने सरेंडर कर दिया है।

मान्यवर, इंडस्ट्रियल पालिसी, जो 1956 की है, उसकी तीन मुख्य विशेषतायें हैं—पहली तो कोर सेक्टर है, जिसमें हैवी, बेसिक और की इंडस्ट्रीज पब्लिक सेक्टर में खोलनी थीं ताकि पूंजीपतियों

के हाथ में अर्थ-व्यवस्था की डोर न जाए, वे जब चाहें अर्थव्यवस्था को झकझोरने न पायें, उसे अपने नियंत्रण में न रखे और प्रोफिट के आधार पर मनमाने ढंग से उसका दुरुपयोग न करें। इसीलिये जवाहर लाल नेहरू जी ने कहा -- नहीं, की सेक्टर रहेगा पब्लिक सेक्टर। जो मझोले तरह के उद्योग-धंधे होंगे उसमें ज्वायंट सेक्टर हो सकता है, जिसमें पब्लिक सेक्टर और प्राइवेट सेक्टर मिलकर काम करेंगे, और जो स्माल स्केल इंडस्ट्रीज हैं उसमें प्राइवेट सेक्टर को इजाजत थी कंज्यूमर्स गुडस में। लेकिन, यह बात कांग्रेस-ई सरकार भूल गई और पूरी यारी कर ली पूंजी पतियों से । पूंजीपतियों के साथ मित्रता में उन्होंने सारी अर्थ-व्यवस्था की नीति को चौपट कर दिया और आज हमारी दुर्दशा हो गई ।

मान्यवर, थोड़ा सा मुझको बोलने दीजिये । मैं यह कह रहा था कि प्राइवेट सेक्टर को एलाऊ, करिये, लेकिन उसको आप कह दीजिये कि जो पिछड़े इलाके हैं, उनमें काम करो और छोटे-छोटे उद्योग-धंधे चालू करो । बड़े-बड़े उद्योग-धंधों से उनको परहेज करवाओ । जब-जब बड़े धंधे खोले जाते हैं तो उसमें सोफेस्टिकेटेड मशीन ला रहे हैं और केपिटल इंसेंटिव लगा रहे हैं, लेबर इंसेंटिव खत्म हो रहा है। हमारे यहां वह उद्योग-धंधें नहीं चल सकते, जो जर्मनी में चल रहे हैं। हमारे यहां वह उद्योग-धंधें भी नहीं चल सकते, जो अमेरिका में चल रहे हैं क्योंकि हमारे यहां श्रम-शक्ति ज्यादा है । श्रम--शक्ति का भी इस्तेमाल हमें करना है, उसको भी रोजगार देना है और देश की अर्थ-व्यवस्था भी सुधारना है । मान्यवर, यह एक बड़ी लंबी साजिश चली थी कि प्रायवेट सेक्टर के बड़े-बड़े घरानों के लोग पब्लिक सेक्टर में आ गये। टाटा, बिड़ला के आदमी यहां आ गये सरकारी मशीनरी में और पब्लिक एंटरप्रायजेज ब्यूरो के चेयरमैन तक बन गये और इसके मेंबर बनाये गये। नतीजा यह हुआ कि इन लोगों ने मिलकर पब्लिक सेक्टर की गंगा को ही नहीं बल्कि पब्लिक सेक्टर को लूट लिया और लूटने के बाद आज चारों तरफ यह मनोवैज्ञानिक वातावरण बनाया जा रहा है कि पब्लिक सेक्टर फेल हो गया है । महोदय, यह कहीं फेल नहीं हुआ है । सब जगह मुनाफे में है, लेकिन मुनाफा मंत्री जी से लेकर चेयरमैन तक और बीच के अधिकारी सब खा जाते हैं । महोदय, आप किसी एक सेक्टर को उदाहरण के रूप में ले लीजिये, आप चाहे स्टील को ले लीजिये, आप चाहें कोल को ले लीजिये, चाहे सीमेंट को ले लीजिये, फूड को ले लीजिये, आप किसी एक सेक्टर को एक्जामिन कीजिये यूनिटवाइज, आप एक कमेटी बिठा दीजिये । आप देखेंगे कि उसमें मुनाफा है, लेकिन मुनाफे को बड़े-बड़े लोग खा जाते हैं और आज ये हम को कह रहे हैं कि पब्लिक सेक्टर फेल हो गया है ..(समय की घंटी)..

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I have already given you four minutes.

श्री राम अवधेश सिंह : महोदय, इस लिये मैं आपके माध्यम से कहना चाहता हूं कि ...(व्यवधान)....

2.00 P.M.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I shall now call I shall now call the Minister.

श्री राम अवधेश सिंह : महोदय, अन्त में मैं यह कहना चाहता हूं कि यह जो मिश्र जी का बिल है, वह बिल पास होना चाहिये और सरकार का जो बिल है, वह वापिस होना चाहिये कि देश की अर्थव्यवस्था को स्वस्थ बनाया जा सके । धन्यवाद ।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now the Minsters to reply.

SHRI RANGARAJAN KUMARAMANGALAM: Mr. Vice-Chairman, Sir, I have heard with a lot of attention the speeches of the hon. Members of this Rouse because many of them have been colleagues of my father. And, unfortunately, I think, so much time has lapsed that they have forgotten dates and times because, I think, it would be relevant for me to bring to thair notice that

Latin Kangarajan Kumaramangalamj the Bill was enacted in me year iaoa, and ultimately after assent...I am not pointing to any particular Member—came as a statute in 1970. Unfortunately, my late father Mohan Kumaramangalam really became a Member of Parliament only in the year 1971 and became a Minister at that period of time. The Bill was neither piloted by him...

SHRI RANGAKAJAN KUMAKA-MANGAL.AM: He was unfortunately not even a member of the system at that time; he was only a practising adyocate and Chairman of tue Indian Airlines. If I may point out, the Bili was actually pilated by one of his close friends, Mr. Raghunatha Reddy and also Shri Fakruddin Ali Ahmed, the former President; this I may point out only to tiring a certain amount of revival of memories may be for the! hon. Members. But what is important is that those who claimed to have known Mohan Kumaramangalam, I think, should refer to him on the MRTP Act. He was very particular in saying that this MRTP Act, in so far as—I repeat—-in so far as assets go as a criterion is going to be unworkable because assets merely as a criterion will not stand the test of law.

Sir, I am obliged that the hon. Members have referred to article 39(c) of the Constitution of India-Directive Principles of State Policy I think, it would be relevant for me to bring to their notice that what they read should foe read in the right context. If I may, with you permission, Mr. Vice-Chairman, Sir, read out article 39(c) of the Constitution of India, it reads... "The State shall in particlar direct its policy towards securing.. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detrimert" Arid when we talk of the words 'to the common detriment', why do we slip in and say per se? It is these small things which the founding fathers of our Constiution had paw tremendous attention to. The words in our Constitution—every single one of them—have a role to play. The intention was not to say 'concentration of wealth even if it is for the common good is bad'. Unfortuantely that seems to have been the thought process at that particular period of time in the minds of certain people who have, at one time, been the people who supported our party when this Bill was brought forward. But I think it is important...

SHRI DIPEN GHOSH: Including your father.

SHRI RANGARAJAN KUMARA MANGALAM: No, I again clarify. He was very clear about it, not because he was my father, not at all, but he was a person in the Congress Party who at that time had given a radical turn. But when you quote him, please don't quote him out of context and against what he stood for. He was a person who was clear in his thought. He was not a person who either was stuck in dogmas or in ideological cliches or rhetorics. I think it is necessary that we understand that It is also important, and I would request the hon. senior leaders of the opposition including people whom 1 have from childhood called Maama or uncle, to register that it is relevant to read an amending Bill and then come to any conclusion ,as to what it is trying to achieve. Meaning no ill-will, with due respect, I would draw their attention to the fact that the concept of monopoly has not been done way with in the MRTP Act. The only difference is that we have said that we will not put a pre-entry restriction because it any way did not work and cannot work. How can it work when Government after Gov ernment in the States would come and lobby in Delhi to see that the largest FERA houses, the largest monopoly houses are some how or the other given the permission under sections 21 and 22? I don't think J need to ----------

SHRI JAGESH DESAI: But will the Government succumb to that pressure?

SHRI RANGARAJAN KUMARA-MANGALAM: I will tell you why. Reason why every Government succumbs and every Government asks is not corruption. It is because every Government and every State wants to have an industrial unit in their place. They want employment; they want growth. So they want to have an Act, a scrap of paper, to show to the world: 'See, here we are, strangling the throats of these rich capitalists' and on the other hand quietly tell the capitalists: 'I will be very obliged if you can start a company or an industry in my constituency'. Do we need this hypocrisy any more? Why should we not be honest? In Bengal, if you want, I can cite instance after instance where approvals have been given to MRTP companies to start. I don't want to unneces sarily get into a debate. But I can quote companies and names which might shock the conscience of many of the hon. Members who raised it. But I can tell you categorically. I have got the details. But I do not consider it wrong at all. I don't say it is wrong because I understand and I do appreciate that you want to have an industry, you want to have development, you want to have employment. But then, my request is, don't talk with a forked tongue; don't talk with your tongue in cheek. Let us be honest. We have found that mere pre-entry restriction did nothing except creating hurdles and delays in the projects coming up, whether it was because of bureaucracy or whether it was because of politicians in collusion with bureaucracy or whether it was the need to instrument that facility. But I want to make one thing clear to the House that time will come when the youth of this nation are unwilling for any more hypocrisy. They are not willing to wait. They are not interested in rhetoric. They are not interested in ideological ric, large talk. We want results.

SHRI N. K. P. SALVE: At the same time, those who are not very young, also do not want any hypocrisy. sy.

SHRI DIPEN GHOSH: This shows that they have always been indulging in hypocrisy. (Interruptions)

SHRI RANGARAJAN KUMARA* MANGLAM: I am not yielding. (Interruptions)

SHRI DIPEN GHOSH: Mr. Salve, Mr. Shiv Shanker, and others are sitting here. After hearing the younger Minister, they can conclude that> so long, they have been indulging it hypocrisy.

SHRI RANGARAJAN KUMARA-MANGALAM: I am not yielding. (*Interruptions)*

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): In this modern age, most of the people are hypocritiw Carry on, Mr. Minister.

SHRI RANGARAJAN KUMARA-MANGALAM: They can browbeat, but upto a certain level. Certain normal democratic rights must exist

SHRI DIPEN GHOSH: I admit.. (*Interruptions)*

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Mr. Dipen Ghoah, kindly sit down. He is not yielding.

SHRI RANGARAJAN KUMARA-MANGALAM: Sir, I think it is necessary, through you, to inform the hon. Member, Mr. Dipen Ghosh, that we want ideology implemented and not rhetoric. That is the difference.

SHRI DIPEN GHOSH: Thank you.

SHRI RANGARAJAN KUMARA-MANGALAM: That is most important In the name of ideological rhetoric, do not do what you would not do as per your ideology.

SHRI DIPEN GHOSH: I appreciate the message.

. SHRI RANGARAJAN KUMARA MANGALAM: .If I may submit, what is really important is for us to under stand. What have we done here? All that we have done in this Bill, in this amending Bill, which we have brought forward, which seeks to re place the Ordinance, is to ensure that the monopoly houses do not have the exeuge they had. They were sa ying 'We need prior approval from the Government of India, under the MRTP Act; our projects are being delayed; they are becoming over-costly; estimates are going up; the cost of industry is going up; it is fi-nansialiy - not viable for expansion', etc. I believe it is an excuse and I say it is so we do not want them to have any such arguments. We wanted to make it clear. They have, in fact, managed. True. This Act has acted as a delaying method in relation to the setting up of new industries. Why have they delayed? Let them give permission. At the same time, we wanted to make it clear. We want to send the message across loud and clear. We want to make it clear 'You are not stopped from starting any industry; but if you indulge in monopolistic practices, or, restrictive trade practices, or in imfair trade practices, the Act, the law, will come down heavily upon you'. We want to ensure that the MRTP Commission is not... *(Interruptions)* Sir, is this what goes on in the Rajya Sabha?

SHRT MURLIDHAR CHANDRAKANT BHANDARE (Mararashtra): Sir, I object- He is denigrating the whole House.

SHRI R ANGARAJAN KUMARA-MANGALAM: I was always under the impression and I will continue to have the impression. .

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I protest.

SHRI S. S. AHLUWALIA: He must withdraw his Words. (Interruptions)

SHRI RANGARAJAN KUMARA-MANGALAM: I would like to clarify that I have always held that, in this House, the elders always allow a younger person ' to have his say.

SHRI DIPEN GHOSH: We appreciate that.

SHRI RANGARAJAN KUMARA-MANGALAM: It is from that point of view I said.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: We would not like you to" be intemperate also.

SHRI RANGARAJAN KUMARA-MANGALAM: I withdraw.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): He has withdrawn. There is no problem.

SHRI RANGARAJAN KUMARA-MANGALAM: In regard to amassing of wealth, cdncentraticn of power per *se, th*e law that should be brought in to dealt with it is not a law which restricts the development of industries. Wealth is something that has to be dealt with under the laws like the Wealth-Tax. You can impose taxes. You can bring in other measures by which you can control the wealth that a person may enjoy. But that is not the real objective of this Act. The objective of this Act, right from day one, right from its inception, was—it was born out of the Monopolies Enquiry Commission ..

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): We have Private Members' Business at 2.30 p.m.

SHRI RANGARAJAN KUMARA-MANGALAM: The Monopolies Enquiry Commission had categorically laid down that the objective of the Act was to ensure that no industry, no monopoly house, no group of in-dustries, no undertaking is allowed to use its economic power to the com-•nrn detriment and it is from that

point of view that the Act was enacted. Unfortunately, the emphasis shifted on, what is called, pre-entry restriction and did not really play the role of ensuring, if I may submit, that unfair trade practices restrictive trade practices, are curbed. A question was asked, how many cases were referred to the Commission under the restrictive trade practices? Only three cases since its inception.

SHRI CHATURANAN MISHRA: No convictions.

SHRI RANGARAJAN KUMARA-MANGALAM: No conviction. Out of them, two are sub *judice,* challenged in the Supreme Court. It is important to note that what was required to strengthen the Act from the point of view that the Commission should have more powers to curb unfair trade practices, all post-entry operations are there to ensure fairness and competition in the real sense of the term. We have brought in public sector also. There were complaints about administered prices being unusually high and unfair. Today you can come up with it. If you find that the telephone system is not functioning properly, you can come up with it. There are enough instances. I would only like to submit that with regard to the operation of the Act and the benches and the Commission in itself, points have been raised, the Government is looking into them. We are definitely of the opinion that we should not rush and suddenly enlarge the bench or reduce the bench or put more benches all over, but we will see to the working of the Act. The way in which this Act is being implemented the way in which it needs to be strengthened, we will strengthen it over a period of time. We are determined and committed to ensure that fair competition is there in this country and equal opportunity to all in the real sense of the word which was conceived by Punditji to mean socialism, is given to all.

With these words, I would request that the Bill be passed.

SHRI JAGESH DESAI: I asked a very specific question. By these methods how are you going to ensure national development' in a reasonable manner? And regarding .....

THE . VICE-CHAIRMAN. (DR. NA-GEN SAEKIA): Mr. Jagesh Desai, you have had your say. Yes, Mr. Mishra.

श्री चतुरानन मिश्र : सभापति महोदय, मैं यह कहना चाहता हूं कि . . (व्यवधान) : हम विदड्रा कर लेंगे लेकिन एकाधिकारी रहेंगे तो आपका चले तो हम हाऊस से विदड्रा कर जाएंगे । ले जाइए सबों को, मोनोपलिस्टस को और चलाइए हाउस . . (व्यवधान) . .

सभापति महोदय, जहां तक थ्री एंटी रिस्ट्रिक्शंस की बात है, मैंने शुरु से ही कहा कि उस पर हम चेज्ड ब्यूज के हैं और हम लोग तैयार हैं उस पर आपके साथ मगर आपने उसी को खड़ा करके पूरा भाषण दे डाला । अरे, पैसा लिया आपने, नहीं लिया आपने, आप से मेरा मतलब है इंडिविज्यूल ने और हम पर आप आ रहे हैं . (व्यवधान) हमने तो आपकी मदद की थी, उसमें भी आपने गड़बड़ की । हम आपसे बता रहे हैं कि जो बात आपको समझ में आनी चाहिए वह यह है कि हमने कहा कि उन बिन्दुओं पर नया नया कारखाना खोलिए, उस पर हम एतराज नहीं कर रहे हैं । आपने उस पर सारा भाषण दे दिया । हमने कहा कि अगर आपने "गूड्ज" की परिभाषा में स्टाक और शेयर्स को भी सम्मिलित कर दिया तो उस पर भी हम एतराज नहीं कर रहे हैं । हमने यह भी कहा कि पहले तो कमीशन के कागजी दांत थे, अब आपने प्लास्टिक के दे दिए, तो उस पर भी हमें प्रसन्नता है लेकिन आपने सारा भाषण उसी पर दे दिया और जो सवाल हम उठाते हैं उस पर आप जवाब नहीं देते हैं । अब फिर हम उसको दोहरा देते हैं । पहली बात है, जैसा कि कई माननीय सदस्यों ने कहा कि लोकेशन का क्या होगा । आप जो बिल लाए हैं उसमें इन समस्याओं का निदान नहीं होता । इसीलिए एरियाज के बारे में कोई भी बात नहीं आई है । अगर आप पूंजीपतियों पर छोड़ देते हैं तो बड़े-बड़े

[श्री चतुरानन मिश्र]

शहरों के आस पास खोलेंगे और आपके लिए तो एंड बार्डर अपर्यावरण के प्रोब्लम क्रिएट होगी । इस पर, आपने कोई जवाब नहीं दिया । दूसरा प्वाइंट मेरा है संपत्ति के उस पर, आपने कोई जवाब नहीं दिया । केन्द्रीय करण पर हमारा और आपका उस पर मतभेद है । आप कह रहे हैं अगर मोनोपली शब्द को इस ढंग से कर दिया जाए कि लाखों करोड़ों रुपए का वह बिजनेस होगा तो इससे कंसन्ट्रेशन आफ वेल्थ नहीं होगा । आपका असेसमेंट है कि वह कंसट्रेशन आफ वेल्थ कामन डेटरीमेंट में नहीं होगा । यही हमारा और आपका मतभेद है एहम एकाधिकार को आपसे या सरकार से ज्यादा ईमानदार और सुसंस्कृत नहीं समझते । गवर्नमेंट उससे अच्छी नहीं है । ब्यूरोक्रेसी खराब जरूर है लेकिन ब्यूरोक्रेसी से मोनोपोलिस्ट है यह मेरा ख्याल नहीं है । इसीलिए हमने कहा कि कंसन्ट्रेशन आफ वेल्थ इससे बढ़ेगा । संविधान के निर्माताओं ने वार्न किया था । आपको बता दूं जब गुलजारीलाल नन्दा होम मिनिस्टर ण उस वक्त उन्होंने कहा था कि एक पर्टीकुलर मोनोपली हाउसेज की पे रोल में बहुत माननीय सदस्य थे । आज भी हमने आप से कहा कि जब कभी भी रिलायंस और बाम्बे डाइंग की बात उठती है तो हम दूसरा दृश्य देखते हैं । इसलिए पालिटिकल इन्टरफीयरेंस बढ़ जायेगा कंसन्ट्रेशन आफ वेल्थ से । यह मेरा एक प्वाइंट है । दूसरा प्वाइंट यह है, sovereignty of Parliament will be restricted. इसको आपने छुआ तक नहीं , इसका आपने जवाब तक नहीं दिया अगर इसका आपने जवाब तक नहीं दिया । अकर उनका असर पड़ जाए हमारी पालियामेंट पर और यह कामन डिटरेमेंट में नहीं है तो खुदा मालिक कि क्या कामन डिटरमेंट होगा ? हमने यह सवाल नहीं किया कि आप पब्लिक सेक्टर को मोनोपोली विरोधी कानून में हमने कोई एतराज नहीं किया और न हमने अपने भाषण में इसकी बात की । हमने आपसे कहा कि प्राइवेट सेक्टर को आपने खुला छोड़ दिया । हमने आप से कहा अगर आप कहें तो हम दत्ता कमीशन की रिपोर्ट पढ़कर सुना दें कि प्राइवेट सेक्टर पर भी अंकुश लगा दीजिए । पब्लिक सेक्टर और प्राइवेट सेक्टर दोनों में कंज्यूमर के मेम्बर बोर्ड आफ डायरेक्टर्स में कर दीजिए । आपके ला में कोई प्रोविजन नहीं है । उसमें वर्कर्स के प्रतिनिधि का प्रोविजन कर दीजिए तब वह नेशनल सेक्टर हो जायेगा । आपने जो ऋण उधार दिया है फाइनेन्शियल इंस्टीट्यूशंस से, उसको इक्विटी में टर्न कर दीजिए । बोर्ड आफ डायरेक्टर्स में वित्तीय संस्थानों के भी प्रतिनिधि हों मैनेजमेंट प्राइवेट सेक्टर करे इसमें कोई एतराज नहीं, सारा प्रबन्ध उनके हाथ में दे दीजिए । हम कहा था 3–4 बिन्दुओं में कि बोर्ड आफ दायरेक्टर्स के ऐसे नये मेम्बर चैकअप करें कि टेक्स इवेजन, जनरेशन आफ ब्लैक मनी, नम्बर दो का पैसा, डाइवर्शन आफ फंड एंड पालिटकल इन्टरफीयरेंस । जहां कहीं भी यह सरकार

**The vice-chairman (Shri Bhaskar Annaji Masodkar Rona** in the chair.

रिगफलिंग करने लगी तो बम्बई से लोग पहुंच जाते हैं रुपया लेकर । यह ठीक नहीं है कि हमारे मेम्बर्स हाऊस टु हाऊस जाकर कहने लगे सरकार गिराने की बात । आप ने भी एलीगेशन लगाया है पिछली सरकार के वक्त वे रुपया लेकर पहुंच गये । यह क्या पालिटिकल इन्टरफीयरेंस नहीं है ? क्या यह कामन डेट्रीमेंट नहीं है यह लज्जाजनक बात नहीं है हमारे और आपके लिए ? इन बिन्दुओं का आपने जवाब नहीं दिया । इसलिए हम अपने सदन से एक बार फिर निवेदन करेंगे कि इस विधेयक को सदन नामंजूर करज दे । यही मुझे आप से कहना है । धन्यवाद !

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I shall first put the motion moved by Shri Chaturanan Mishra to vote. The question is:

> "That this House disapproves of the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991 (No. 8 of 1991) promulgated by the President on the 27th September 1991."

*The motion was negatived*

श्री चतुरानन मिश्र : ठीक है, सदनज सावरेन है जो चाहे पास कर सकता है

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Les us proceed . .. *(Interruptions)* .. *(At this stage some hon. Members left the Chamber)*

श्री चतुरानन मिश्र : लेकिन इस काले बिल को पास करने में हम भागीदार नहीं होना चाहते इसलिए हम वाकआउट करते हैं (व्यवधान)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I shall now put the motion moved by Shri Kumaramangalam to vote. The question is:

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969 and the Companies Act, 1956, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted,*

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We shall now take up clause-by clause consideration of the Bill.

*Clauses* 2 to 30 *toere added to the Bill*

*Clause* 1, *the Enacting* Formula and *the Title were added to the Bill.*

SHRI RANGARAJAN KUMARA-MANGALAM: Sir, I move:

*"That the Bill he passed."*

*The question was proposed.*

SHRI SANGH PRIYA GAUTAM: The hon. Minister has said in the House that he was least concerned with the philosophy or the ideology and that he was much concerned with the results. But what actually has become absolutely procedure-oriented and not result-orented. I would like to know whether the hon. Minister will assure this House that he will make the publi c sector result-oriented.

SHRI RANGARAJAN KUMARA-MANGALAM: Mr. Vice-Chairman, firstly, I would like to clarify that I have not said that I am not concerned with the philosophy at all. All I said is was that I did not believe in ideological rhetoric. We want implementation of the ideology.

With regard to the statement on the point made by the hon. Member, that exactly is what we want, and we believe that is what exactly Pan-ditji said. If the public sector has to achieve and continue to hold its commanding heights, it can do so only if it is result oriented, and our our Government is committed to it.

PROF. CHANDRESH P. THAKUR (Bihar): Sir, I want to make some observation in the third reading.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR)- The time is very short, Prof. Thakur. *You* know that there is the Private Members' Business. This will remain half-finished. At 2-30 p.m. we have to take up the Private Members' Business Unless it is very import ant.....

PROF. CHANDRESH P. THAKUR; That is all right.

SHRI P. SHIV SHANKER (Gujarat) : Already the Minister has rep-ted.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):

The question -is:

*"That the* Bill be *passed." The*

*motion was adopted.*

**The Constitution (Sixty ninth Amendment) Bill, 1991.**

SECRETARY-GENERAL: I beg to lay on the Table a copy of the Constitution (Sixty-ninth Amendment) Bill, 1991 as passed by the Houses of Parliament during the current session of Rajya Sabha and assented to by the President on >the 21st December. 1991.

## THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI BILL, 1991

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN)- Mr. Vice-Chairman, 1 move:

> "That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

Sir, in pursuance of the provisions of the Constitution (Seventy fourth Amendment) Bill, 1991, the present Bill seeks to give effect to the amendments approved by this House, to the Constitution. All the provisions of this Bill are for giving effect to, and supnlementing, the provisions contained in the amendments made to the Constitution and for matters incidental or consequential thereto. 1 don't think that I should trouble the hon. Members with the details of the Bill at this stage.

With these words. I commend the Bill as passed by the Lok Sabha, to this august for consideration.

*The question was proposed.*

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M. L. FOTEDAR); Let us pass it unanimously.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR)-Does anybody want to speak?

SOME HON. MEMBERS- Nobody. *(Interruptions)* ..

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR)-I have said that it is open for discussion. *(Interruptions)*

SHRI SIKANDER BAKHT (Ma-Madhay-Pradesh): We will take five minutes.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR)-Then it will be taken up at five o' clock. What is the consensus of the House? Shall we take it up at five o'c'ock.

SOME HON. MEMBERS- Let it b$_e$ passed now.

श्री सिकन्दर बख्त: सदर साहब, एजेन्डा का हाल आप मालूम कर लीजिये मेरी तरफ से पास कीजिए बेशक

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR)-Mr. Ambedkar, do you want to speak on it?

SHRI PRAKASH YASHWANT AMBEDKAR (Nominated); Yess.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): All right. We will take it up at 5 P.m.. Now we take up the Private Members' Legislative Business.

## THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) REPEAL BILL, 1991—Contd.

श्री लक्ष्मीनारायण अग्रवाल : उपसभाध्यक्ष महोदय, मैं आपसे यह कहना चाहता हूं कि सुबह जो सदन में चर्चा की गई थी कि मध्य प्रदेश के मुख्य मंत्री जी सुन्दर लाल पटवा के ग्राम में मस्जिद को तोड़ा गया । उपसभाध्यक्ष महोदय, सदन को यह गलत जानकारी दी गई है (व्यवधान)